Board Chair Cottam welcomed everyone to the August 17, 2021, in-person meeting of the Council on Elementary and Secondary Education. Virtual access was provided to members of the general public. She declared a quorum present and called the meeting to order at 5:30 p.m.

Present: Michael Almeida, Amy Beretta, Colleen Callahan, Barbara Cottam, Karen Davis, Patricia DiCenso, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

Absent: *Milly Asherov

[*Ex-officio, non-voting member]

1. **ACCEPTANCE OF THE AGENDA**

   On a motion duly made by Colleen Callahan and seconded by Jo Eva Gaines, it was

   **VOTED:** That the Rhode Island Council on Elementary and Secondary Education accepts the agenda for the August 17, 2021, meeting

   **Vote:** 9 members voted in the affirmative and 0 members voted in the negative as follows:

   **YEAS:** Michael Almeida, Amy Beretta, Colleen Callahan, Barbara Cottam, Patricia DiCenso, Karen Davis, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

   **NAYS:** 0

   **ABSTAINS:** 0

2. **ACCEPTANCE OF THE MINUTES**

   a. **Minutes of the June 29, 2021, Meeting**

   On a motion duly made by Lawrence Purtill and seconded by Colleen Callahan, it was
VOTED: That the Rhode Island Council on Elementary and Secondary Education accepts the minutes of the June 29, 2021, remote meeting

Vote: 8 members voted in the affirmative, 1 member abstained and 0 members voted in the negative as follows:

YEAS: Michael Almeida, Colleen Callahan, Barbara Cottam, Patricia DiCenso, Karen Davis, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0

ABSTAINS: Council Member Beretta did not attend the June 29, 2021, meeting

3. COMMISSIONER’S REPORT

Commissioner Infante-Green began by expressing that the safety and well-being of students and school staff are RIDE’s top priority as the agency works towards a successful return to full in-person learning. RIDE is proud of the way the State led the nation in the transition to distance learning and then the return to in-person learning, last September. She shared that last Friday was the deadline for school districts to submit to the RI Department of Health (RIDOH) the Health and Safety guidance component of the Back-to-School plans, and that RIDE is working with RIDOH to review them and help local school leaders prepare for the first day of school. The full plans, which will cover instruction policies, are due to RIDE no later than August 27, 2021.

Commissioner Infante-Green indicated that so far, 80% of school districts have universal mask policies, while the remaining 20% are awaiting school committee approval.

Next, Commissioner Infante-Green reported that although the last few months presented different challenges to the Providence Public School District (PPSD), the progress continued – from a new curriculum for high schools, to high-dosage Algebra I tutoring, and an incentive program to attract and retain more teachers of color, the district has continued to work diligently to transform education to ensure that every student has an opportunity to succeed.

Commissioner Infante-Green also shared that she is honored to announce that RIDE is the only government agency, and one of 11 grantees out of a 416 pool of applicants from across 26 countries, to be granted the Bill and Melinda Gates Foundation Balance the Equation – A Grand Challenge for Algebra I grant that will support an innovative program in Providence middle schools to help multilingual learners get ahead. This initiative goes along with the release of the final Blueprint for Multilingual Learners’ Success that was developed through engagement sessions with stakeholders during the 2019-2020 school year.
Next, Commissioner Infante-Green shared that as part of a $1.3M grant that RIDE received from the federal government, last spring, RIDE released the School Improvement team guidance and corresponding modules. These were designed to support school improvement team members and administrators alike in implementing school improvement teams, and have been incredibly well-received by the field.

Lastly, Commissioner Infante-Green reported that RIDE has been working diligently on the strategic planning platform. The team has engaged in one-on-one sessions and focus groups with 15 school districts across the State. The districts are excited to use the tools RIDE is designing and a few are asking for more direct strategic planning facilitation.

4. OPEN FORUM

Twenty-five individuals addressed the Council on school reopening safety measures.

Three individuals spoke in opposition to Commissioner Infante Green’s denial of the Sheila C. “Skip” Nowell Leadership Academy’s request for major charter amendment.

Written testimony was shared with Council members and is on file at RIDE.

Commissioner Infante-Green stated that although RIDE endorses masks and has been recommending and pushing for, the agency does not have a health professional on staff. The Health and Safety Plans that have been submitted by the districts are being reviewed by RIDOH, the State agency that oversees public health in Rhode Island.

Anthony Cottone, RIDE’s Chief Legal Counsel, addressed the Council on the authority that RIDE and the Council have to enact universal mask mandates throughout the school districts. Mr. Cottone echoed Commissioner Infante-Green’s comments on the fact that there is no medical doctor on staff at RIDE and that the General Assembly has plenary authority over education in the State, which means that their authority is nearly total. The General Assembly delegated that authority, in large measure, to the cities and towns, and invested the entire care, control and management of all public-school districts, to the school committees. When looking for authority, one must look for a specific delegation of authority from the General Assembly to the Commissioner or to the Council. He used evacuation plans as an example of authority that falls under the Commissioner’s purview among many other things under Title 16, but there is not authority with respect to public health measures, such as mandating facemasks statewide.

Council Member Callahan expressed that she is curious about what items must be included in a school reopening plan, how they compare to a concern around a mask mandate being related to health and safety, and what those other requirements are that might fall under the same category.
Council Member Davis asked that of the 80% of districts that submitted health and safety plans, how many made mask wearing optional.

Ana Riley, Deputy Commissioner, answered that of all the districts that submitted plans, 80% are requiring facemasks, while 20% are not or are making it optional.

Council Member Almeida asked that if the Council voted a mandate on mask policy, how would it play out if it was challenged.

Chief Legal Counsel Cottone replied that it would be a standing issue, presumably one of the local school committees that adopted a voluntary policy, could challenge the authority of the Commissioner in court, and in his opinion, the Commissioner would lose, and it would most likely create more confusion and delay.

Council Member Purtill expressed that this gets complicated in a sense that 80% of the districts are mandating, while 20% are not, and it could get messy for sports teams, when districts have different masking policies.

Council Member DiCenso asked for clarification on who in Rhode Island can mandate mask wearing.

Mr. Cottone replied that the Governor and/or RIDOH can mandate in various ways – either through the disaster emergency statute or other provisions that are provided during a pandemic.

5. DISCUSSION ITEMS
   a. Back to School Plan

Deputy Riley went over where Rhode Island is in the back-to-school planning process. She shared that RIDE has been working with districts all along on their back-to-school plans as well as their ESSER III plans. Districts were required to submit COVID-19 mitigation strategies to the RI Department of Health (RIDOH) by August 13 and completed back-to-school plans to RIDE and publicly post on district websites by August 27. RIDE will release the ESSER III applications, shortly thereafter. Deputy Riley went over the critical components required by RIDE and by ESSER III for back-to-school plans – review and feedback are being handled by RIDOH, which will also be posted online, along with districts’ posted plans. Through back-to-school plans, RIDE and RIDOH are collecting health and safety policies and procedures from LEAs related to COVID-19 mitigation strategies, including vaccination, school-based testing, physical distancing, masking symptom screening, case investigation/contact tracing, protocols for isolation and quarantine, cleaning, disinfection, and hand hygiene. RIDOH has committed to setting-up clinics and is engaging each municipality to plan and promote back to school clinics. In addition, RIDOH received over $30M from the CDC to help support schools with school-based testing, contact tracing and supplies, which all schools are eligible to apply for.
Next, Emily Crowell, RIDE’s Chief of Staff, went over the Back2School Communication Campaign goals, outreach activities, and RIDE authority/jurisdiction. She highlighted that the goals were created to instill confidence among students, families, and staff, for a safe and successful return to in-person learning; engage and inform the community on guidance and other safety measures; ensure LEAs understand the criticality of testing, vaccination, and mitigation measures; highlight accomplishments and progress under the pandemic; underscore Learning, Equity and Accelerated Pathways (LEAP) report and recommendations; ensure that school communities and families understand the risks associated with different age groups and mitigation policies; and engage appropriate and most impactful messengers based on the various messages. Ms. Crowell shared that RIDE is engaging in various activities to support and promote in-person learning for families and students leading up to the first day of school and noted that neither the Council, RIDE nor the Commissioner has the legal authority to unilaterally mandate that masks be worn in school or that teachers, students, or staff become vaccinated, as RIDE has no qualified medical personnel on its staff to be able to properly issue pandemic-related guidance on its own.

Council Member Callahan asked that once the full plans from the local school districts are received, if it might not be a wise thing for the Council to decide that RIDE will not approve any back-to-school plans that do not include a mask mandate. She went on to say that if it is appropriate to make such a motion that she is ready to make that motion. She then went on to make a motion that RIDE not approve any back-to-school plans that do not include a mask mandate.

Member Gaines asked what the process will be if there is an appeal.

Anthony Cottone, RIDE’s Chief Legal Counsel, replied that there must be financial consequences if RIDE decides to not approve plans that do not include mask mandates, otherwise districts will just ignore the mandate. Districts will appeal such decisions to the court, which might take months to resolve.

Member DiCenso asked for clarification on who has the authority to mandate masks, how can RIDE deny the plan if it doesn’t have the authority to mandate masks, and why not just ask the people who have the authority to mandate.

Member Callahan expressed that the Council does have the authority to approve the plans as there is a list of items in the plan that have to be there for a plan to be approved and there is some creative thinking that could be made around the opening of school. Personally, she thinks that it signals how serious the Council is taking the issue, and while some members may question the interpretation of that authority, this is an opportunity for the Council to get an answer, if in fact it comes to that. She would like to think that the seriousness of the Council engaging in this activity, passing this motion, sends a message of what we think, and the districts will act.
Member Almeida added that it will also extend the amount of time that school is open, and the Council can look at what is going on in the schools to allow the districts to position themselves based on what is happening.

Member Purtill expressed that the Delta has not peaked yet, but everything that we all know indicates that masking helps and there could be further changes over the next few months. This decision sends a message that districts need to have a masking policy in place and that it cannot be a political decision. As doctors say, the last thing we want is for kids to die because of the lack of a mask policy.

On a motion duly made by Member Callahan and seconded by Member Davis, it was

VOTED: That RIDE not approve any back-to-school plans that do not include a mask mandate

Vote: 9 members voted in the affirmative, 0 members voted in the negative, and 0 members abstained as follows:

YEAS: Michael Almeida, Amy Beretta, Colleen Callahan, Barbara Cottam, Patricia DiCenso, Karen Davis, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0

ABSTAINS: 0

b. Providence Update

Dr. Javier Montañez, Interim Superintendent of Providence Public Schools (PPSD), gave an update on the transformation of the district’s schools, beginning by expressing that he believes in the power of education, because he lived it. He voiced that as Interim Superintendent, it is his job to make sure that every single student in Providence gets a great education and the opportunity to succeed. He stated that the Turnaround Action Plan (TAP) is the district’s “North Star” as it guides everything that the district does. He went on to share progress to date, underscoring that the health and safety of students is and will remain, the district’s top priority, especially during the pandemic with the mandate that all students and staff wear masks.

Next, Khechra Bradford, Deputy Superintendent of Academics, provided an update on Excellence in Learning - Building an Academic Vision and Supporting Schools, areas of the TAP. She highlighted the work that has been done to engage with community members and campus-led teams on the redesign of six secondary schools; adoption of curriculum; Pre-K expansion; professional development; student learning summits; hiring of elementary guidance counselors, math and literacy coaches, and community support roles; implementation of high school goals
focused on increasing the percentage of freshman on track and graduation rates; monitoring the social-emotional health and growth of students; holding over 3,000 coaching sessions with school leaders; doubling the number of P-Tech seats and opened seats in 11 CTE programs at PCTA; increasing the number of students who are completing a postsecondary transition plan through their Individualized Learning Plan (ILP); and increasing the percentage of students who are accessing their ILPs a minimum of twice a year. Deputy Superintendent Bradford ended her presentation by reporting on the current quarter priorities – launch school improvement team planning and engagement initiative; completing professional development for the new elementary guidance that were hired; and closing out the district’s Mater Coaching Academy and innovative summer programming for over 2,000 students, that supported learning acceleration.

Next, Nick Figueroa, Chief of Family and Community Engagement, shared the progress on some of exciting work that PPSD has been working on, on the Engagement Communities area. He reported that a partnership was established with the Community College of Rhode Island (CCRI) for the Parent Academy’s (parent university model) credit-bearing courses and workforce development certificates that will benefit students and parents who are interested in examining other professional settings, including ESL courses, creating a pathway to a degree program for those who are interested; launched chat and Live Agent features of the district’s rapid response tool to track parents calls and how long it takes to respond; hosted districtwide advisory council and student advisory council meetings to ensure the district is staying on track with the TAP initiatives; provided leadership training for student advisory council members in partnership with Break Through Providence; and selected a vendor to complete the student record digitization project – a project focused on digitalizing decades of PPSD student records. Mr. Figueroa also shared the TAP goals and benchmarks going forward – increase the percentage of PPSD families who believe they are welcome in their child’s school; increase the percentage of cases in which contact has been initiated (within 24 hours, during the work week) through the rapid response system; and increase the number of parents and caregivers engaged with the district’s formal community engagement structure. Mr. Figueroa ended his report by going over current quarter priorities – build out the parent resource portal/clearinghouse, a one-stop information and referral system for families; unifying and digitizing decades of student records; launching a district-wide parent ambassador program aimed toward increasing parent involvement in their respective schools; and hosting new family orientation for families new to the school system.

Zachary Scott, Deputy Superintendent of Operations, reported on the progress that has been made in the World-Class Talent area. He shared that the district recently brought on board seven school leader residents; established partnership with the RI Foundation to offer up to $25K in student loan reimbursement per educator, for newly hired teachers of color to Providence; reached a memorandum of agreement with the RI Labors Union, Local 1033, on improving the teacher assistant pipeline, including providing a $5K credit to up to 15 teacher assistants as well as providing support to the teacher assistants who seek to be teachers and are conducting their student teaching work; and recently launched an application to enhance the launch of an ESL certification program. Deputy Superintendent Scott also shared the TAP goals and benchmarks going forward – increase the percentage of teachers holding and using ESL/BDL certification;
and decrease the median time from when a teaching position is posted until when an offer is extended. In terms of current priorities, Deputy Superintendent Scott reported that the district is launching programming for the inaugural cohort of leadership residents and finalizing pairing with host principals; continuing to hire and train for school year 2021-2022, including hiring for community specialist roles and assistant principals; looking to enhance the new teacher induction process, one year ahead of schedule; and launching targeted recruitment at colleges, universities, and national organizations, to boost the applicant pool for various roles.

In the area of Efficient District Systems, Deputy Superintendent Scott reported that the district reached an agreement with the Providence Teachers Union (PTU) on a 2020-2023 contract (August 2021); improved and increased school-based discretionary funding by $440K to give school communities more ability to spend money based on the needs of their students; established a Capital Revolving Fund to support long-term school capital improvements; and established a new office to support new innovative school models and school redesign initiatives. He also reported on upcoming quarter priorities – identify robust data warehouse platform and reporting software; began school leader training to support the rollout of a student-based budgeting approach as well as an online budgeting tool; major renovations will begin this year at five schools, as part of the multi-year capital project; seek to expand customer service standards and trainings to central office; and be underway with implementing a new contract with PTU, including a revised evaluation and hiring system, to ensure increased talent in the district.

Member Beretta asked whether the innovative school model and school redesign initiative is new or a continuation of conversations that RIDE was heavily involved in a couple of years ago with PPSD and the community.

Deputy Commissioner Roldán responded that those earlier assessments are still in play and are being utilized, but part of the ESSA plan that was submitted to the federal government, requires identified Comprehensive Support and Improvement (CSI) schools to go through a robust redesign process. This speaks to that process and this Council has a very specific role to play. Over the next few months, the RIDE team will come before the Council to lay out exactly what that process looks like.

c. Gates Foundation Grant: Algebra Readiness Course in Providence

Spencer Sherman, RIDE’s Chief for Innovation was joined at the table by Marco Lima, a PPSD student and member of Young Voices, to present on the recent Gates $1M grant award for Algebra Readiness course in Providence. He reiterated that RIDE is the only government agency to win this one-year pilot grant and explained why this work is so important. He noted that algebra really matters and that nationally, it is the most commonly failed course in high school, and underscored that if a student fails algebra, there is a 4 in 5 chance that the student doesn’t finish high school. He noted that too many multilingual learners (MLLs) in Providence are not yet ready for algebra and that in school year 2018-2019, less than 5% of Providence’s MLL 8th graders had met expectations on the mathematics RICAS exam. This grant is to build a course, designed in conjunction with a student ambassador cohort and in partnership with parents and
teachers, for MLLs in Providence, to get the algebra skills they need to be ready for algebra success. He shared that this project combines three RIDE initiatives – Providence TAP, high-quality curriculum legislation, MLL Blueprint – that aim to improve educational experiences for RI students.

Next, Marco encouraged everyone to read the quotes from student ambassadors listed in the presentation, because they express the struggles all students (not just those with disabilities) experience, including the lack of support in the classroom when they are not understanding what is being presented to them. He went over the list of student recommendations and impacts on solutions, such as better supporting teachers, empowering, including students in professional learning, and diversifying instruction, by focusing on real-world context and collaboration. He expressed that students need to leave school better prepared for the real world, because currently, some are graduating with very limited algebra skills.

d. Recommendation of Members to the YouthBuild Providence Preparatory Academy Board of Trustees

Victor Capellan, Senior Advisor to the Commissioner, presented the Commissioner’s recommendation of members to the YouthBuild Providence Preparatory Academy Board of Trustees. Mr. Capellan explained that this is a new school that was authorized back in 2016 by the General Assembly and that the Board members have been reviewed and interviewed by RIDE staff, including review of their backgrounds and qualifications. Upon approval and prior to enrolling students, the Board must present a series of activities and requirements to RIDE, including a positive quality review of their plan from an independent evaluator, which will be selected by RIDE, as well as securing a facility and a high-quality school leader. Once all the requirements are validated, the YouthBuild will present the plan to the Council for full endorsement.

e. Sheila C. “Skip” Nowell Leadership Academy – Request for Major Charter Amendment

Commissioner Infante-Green shared that the school’s original request for minor amendment was denied as RIDE did not believe that it was a minor amendment, but rather a major amendment as it would have a big impact on PPSD. Commissioner Infante-Green expressed that as much as she believes in all sorts of schools, she also believes that there is a process that needs to be followed. She noted that the school does an excellent job with the population that it serves, however, this Council has tried to maintain an integrity in terms of processes as well as being very fair about what needs to be done. She expressed that she is saddened that the school took her decision and found loopholes to come to the Council.

Next, Stephen Osborn, went over the merits of what was requested back in October 2020, when the school submitted a minor amendment request to consolidate the 80 seats from the Warwick campus and the 80 from the East Providence campus, which are not opened and have no plans to open, to consolidate them and move together into Providence, to serve 320 students over the next
four years. RIDE rejected the request as a minor amendment, as it triggers a major amendment request. If asked, RIDE would have recommended that it go through the new seats’ approval process. RIDE has what is called a standard expansion, which also covers requests that are not formal expansions and will be working with RIDE’s legal team as well as counsel to the Council on how to best codify that process either in regulation or guidance, moving forward. He explained that RIDE has set a very high bar for adding seats and expanding schools and that for a variety of reasons, the school at this point and time does not trigger what RIDE would like to be in place for a school in terms of academic performance. He expressed that this school is a difficult fit in the charter space, and it would be a better fit for a school like Nowell Academy to perhaps be governed by a structure like YouthBuild Academy, where it is a cooperative endeavor agreement that requires partnership with the schools and districts in the communities that it serves, and it is not in direct competition, but a complimentary piece to what is happening in the district. There is no debate that there is a need for more alternative schools, however, the debate is whether this school is prepared to handle and serve 320 students at a point and time where it is serving 160 and not meeting many of the marks. The school will be up for renewal in the fall of 2022, after receiving a 2-year extension to their existing renewal term.

Member Beretta expressed that she hopes that before the fall of 2022 that RIDE can figure out a way to look at this school and other similar schools that are servicing students that are in need. She voiced that we need accountability and we need performance, but to meet performance metrics, there needs to be a way to balance those schools compared to what is being done with the rest of the charter schools.

Member Gaines voiced that with the number of students enrolled at the school, in her mind, they should be doing a lot better as the whole idea of having a small community of students is to give them the attention that they need to make the successes that they need. That is not happening, and she does not think that it would be fair to add additional students to a school that is not performing to standard, and that she supports the Commissioner’s decision.

6. ACTION ITEMS:

   a. Approval of Recommended Members to the YouthBuild Providence Preparatory Academy Board of Trustees

On a motion duly made by Jo Eva Gaines and seconded by Colleen Callahan, it was

VOTED: That the Council on Elementary and Secondary Education approves the Appointment of the Board of Trustees for YouthBuild Preparatory Academy, as presented

Vote: 9 members voted in the affirmative, 0 members voted in the negative, and 0 members abstained as follows:
b. Approval of the Commissioner’s Recommendation to deny the Sheila C. “Skip” Nowell Leadership Academy’s Request for Major Charter Amendment

On a motion duly made by Colleen Callahan and seconded by Lawrence Purtill, it was

VOTED: That the Council on Elementary and Secondary Education moves to reject the amendment request by the Sheila C. “Skip” Nowell Leadership Academy that would permit the school to serve 320 students, at their Providence campus

Vote: 9 members voted in the affirmative, 0 members voted in the negative, and 0 members abstained as follows:

YEAS: Michael Almeida, Amy Beretta, Colleen Callahan, Barbara Cottam, Patricia DiCenso, Karen Davis, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0

ABSTAINS: 0

c. Approval of the Appeals Committee Recommendation on the matter of S. Doe v. Beacon Charter School

On a motion duly made by Jo Eva Gaines and seconded by Amy Beretta, it was

VOTED: That in the matter of S. Doe v. Beacon Charter School, the Commissioner’s decision is remanded, as presented

Vote: 9 members voted in the affirmative, 0 members voted in the negative, and 0 members abstained as follows:

YEAS: Michael Almeida, Amy Beretta, Colleen Callahan, Barbara Cottam, Patricia DiCenso, Karen Davis, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0

ABSTAINS: 0
EXECUTIVE SESSION:

Chair Cottam called a motion that the Council on Elementary and Secondary Education enter Executive Session for the following item:

- Commissioner’s Annual Evaluation pursuant to RIGL §42-46-5 (a)(1)

Chair Cottam noted for the record that Commissioner Infante-Green had been notified of her right to have the discussion take place in Open Session and that she has indicated no objection to proceeding in Executive Session.

On a motion duly made by Jo Eva Gaines and seconded by Lawrence Purtill, it was

VOTED: That the Council on Elementary and Secondary Education convenes in Executive Session pursuant to R.I.G.L. §4246-5(a)(1) for the reason set forth above.

Vote: 9 members voted in the affirmative, 0 members voted in the negative and 0 members abstained, as follows:

YEAS: Michael Almeida, Amy Beretta, Colleen Callahan, Barbara Cottam, Karen Davis, Patricia DiCenso, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

NAYS: 0

ABSTAINS: 0

The Council entered into Executive Session at 8:22 p.m. Virtual public access was paused.

The Council reconvened in Open Session at 9:15 p.m. Virtual public access was resumed.

Chair Cottam reported that no votes were taken in Executive Session.

On a motion duly made by Colleen Callahan and seconded by Marta Martinez, it was

VOTED: That the Council on Elementary and Secondary Education seal the minutes of the Executive Session held on August 17, 2021.

Vote: 9 members voted in the affirmative, 0 members voted in the negative and 0 members abstained, as follows:
7. **ADJOURNMENT:**

On a motion duly made by Patricia DiCenso and seconded by Lawrence Purtill, it was

**VOTED:** That the meeting of the Council on Elementary and Secondary Education Adjourns

**Vote:** 9 members voted in the affirmative, 0 members voted in the negative, and 0 members abstained as follows:

**YEAS:** Michael Almeida, Amy Beretta, Colleen Callahan, Barbara Cottam, Karen Davis, Patricia DiCenso, Jo Eva Gaines, Marta Martinez, and Lawrence Purtill

**NAYS:** 0

**ABSTAINS:** 0

Meeting adjourned at 9:19 p.m.