~~Rhode Island Board of Regents Regulation~~

~~Protocol for Interventions:~~
~~Persistently Lowest-Achieving Schools~~

~~September 2, 2010~~

~~Protocol for Interventions:~~

~~Persistently Lowest-Achieving Schools~~

~~I. Overview~~

~~The Board of Regents for Elementary and Secondary Education has long been committed to closing inequitable gaps in performance and achievement, especially those gaps correlated with poverty, gender, and language background among different groups of students. This commitment was articulated in the Comprehensive Education Strategy (CES) and codified at RIGL Ch. 16-7.1. Chapter 16-7.1 also codified the state's system for School Accountability for Learning and Teaching (SALT), rigorous testing standards, and fiscal and program oversight by the State Education Agency (SEA). In addition, Section 16-7.1-5 created the system of Progressive Support and Intervention (PSI), which authorizes "progressive levels of control by the department of elementary and secondary education over the school and/or district budget, program, and/or personnel" in those schools and districts where SALT and assessment results have demonstrated limited or non-existent increases in rates of student success.~~

~~The recently promulgated Basic Education Program regulations incorporate state standards for grade level and grade span proficiency, regulatory requirements for proficiency-based graduation, the Rhode Island Professional Teaching Standards, the Rhode Island Leadership Standards, and the process for continuous improvement and Progressive Support and Intervention, as well as regulations governing delivery of literacy support services, instruction for students with disabilities, and services for English language learners.~~

~~The Basic Education Program places a heavy responsibility upon the local education agency (LEA) to hold its schools accountable for continuous improvement of instructional and support systems that advance equity and access to opportunities for students' high achievement. Despite years of well-intentioned effort, however, there remain schools that continue to have unacceptably low levels of student achievement.~~

~~When implementation of a strong school improvement plan has failed to such a degree that a school is considered to be one of the persistently lowest-achieving schools in the state, it is incumbent on the LEA to take even stronger action. Based upon established principles of practice and an emerging body of research on the effectiveness of certain educational strategies, the LEA must take action that leads to increased choices, opportunities and outcomes for students. In order to be successful in generating sustainable improvement, LEA action must: set clear expectations for measures of performance; enhance school-level capacity to accelerate improvement; and engage families and the community in an honest dialogue about the urgency for change. Under no circumstances will persistently lowest-achieving schools be allowed to continue to operate under status quo conditions. Finally, it is explicitly intended that this Regulation shall have retroactive effect, ***as well as prospective effect***, for all schools identified by the State as Persistently Lowest Achieving prior to the effective date of promulgation.~~

~~II. Definitions~~

~~**Charter Management Organization (CMO) –** A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools.~~

~~**Education Management Organization (EMO) –** ***An EMO is a for-profit or non-profit organization that provides whole-school operation services to an LEA. Examples of an EMO may include, but are not limited to, the following, if they meet the foregoing definition: (a) a regional collaborative organized pursuant to RIGL Chapter 16-3.1; and (b) the creation of a joint Management/Labor Compact detailing reciprocal obligations that create a new management structure with shared decision-making designed to fully address the needs of each student in the schools and which fully complies with all applicable requirements set forth in this Protocol.***~~

~~**Expanded Learning Time –** The use of a longer school day, week, or year schedule to significantly increase the total number of school hours to include additional time for (a) instruction in core academic subjects as defined in the Basic Education Program; (b) instruction in other subjects and enrichment activities that contribute to a well-rounded education, including for example, physical education, service learning, and experiential and work-based learning opportunities that are provided by partnering, as appropriate, with other organizations; and (c) educators to collaborate, plan, and engage in professional development within and across grades and subjects.~~

~~**Local Education Agency –** A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.~~

~~**Persistently lowest-achieving school** – (i) Any Title I school in need of improvement, corrective action, or restructuring that (a) is among the lowest-achieving five percent of Title I schools in need of improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or (b) Is a high school that has had a graduation rate that is less than 60 percent over the preceding three years; and (ii) Any secondary school that is eligible for, but does not receive, Title I funds that (a) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for Title I funds, whichever number of schools is greater; or (b) Is a high school that has had a graduation rate that is less than 60 percent over the preceding three years.~~

~~**Progressive Support and Intervention** – A series of strategies consistent with the Comprehensive Education Strategy and the principles of the "School Accountability for Learning and Teaching" (SALT) for those schools and school districts that continue to fall short of performance goals as determined by objective criteria developed by the~~

Board of Regents, culminating in progressive levels of control by the department of elementary and secondary education over the school and/or district budget, program, and/or personnel if three years of supports by the state have been insufficient for the school and/or district to meet prescribed performance goals.

Reconstitution – Reconstitution responsibility is statutorily delegated to the Board of Regents at RIGL § 16-7.1-5 and may range from restructuring the school's governance, budget, program, personnel, and/or may include decisions regarding the continued operation of the school.

Regional Collaborative – A legal entity created by two or more school committees, in accordance with RIGL Ch. 16-3.1, to conduct jointly instructional education programs and/or administrative functions, provided that the agreement has been reviewed and is recommended by the Commissioner of Elementary and Secondary Education and has the approval of each participating school committee.

III. Identification of Persistently Lowest-Achieving Schools
Method for Identification of Persistently Lowest-Achieving Schools

The Rhode Island Department of Elementary and Secondary Education's method for identifying persistently lowest-achieving schools as defined in this Protocol includes analysis of the following factors:[1]

(1) School-wide student performance in mathematics and reading against the state-wide average performance in these subject areas;
(2) No Child Left Behind Classification with respect to number of years in need of improvement;
(3) Student growth percentile at elementary and middle school levels in reading and mathematics and graduation rates at high school levels against the state-wide average growth; and,
(4) School-wide improvement in reading and mathematics between 2005-2006 and the 2008-2009 school years against the state-wide average improvement.

In addition, the No Child Left Behind Act (NCLB) further authorizes the LEA to perform an annual review of the progress of each of its Title I schools to determine whether the school is making adequate yearly progress (AYP). The LEA may then identify additional schools for school improvement or in need of corrective action or restructuring.[2] Should an LEA choose to identify additional Title I schools as in need of improvement, corrective action or restructuring, it must publicize and disseminate the results of its local annual review to parents, teachers, principals, schools, and the community so that the instructional staff and leadership can continually refine and improve the program of instruction for all affected students. In the event that an LEA takes advantage of its authority to identify one or more additional Title I schools pursuant to this section, if said identification results in the school being identified by RIDE as one of the State's

[1] A complete description of the methodology used by RIDE to apply these four criteria to Rhode Island schools is included in RIDE's Title 1 § 1003g application as Appendix A.
[2] 20 USC § 6316(a)(1)(B).

~~persistently lowest-achieving schools, the LEA must then implement one of the four allowable school reform models set forth in Section IV.2. of this Protocol at that school within the timelines established herein.~~

~~IV. School Intervention~~

~~1. Required Conditions.~~ ~~Schools identified as persistently lowest-achieving require intervention by the responsible LEA beginning in the school year following identification by the state. There are four allowable school intervention models: turnaround model, restart model, school closure, or transformation model. If a school identified as a persistently lowest-achieving school has implemented, in whole or in part within the last two years, an intervention that meets the requirements of the turnaround, restart, or transformation models, the school may continue or complete the intervention being implemented.~~

~~The parties to any applicable collective bargaining agreement will use their best good-faith efforts to negotiate any terms and conditions in the agreement necessary for the full implementation of the identified school reform model for an identified persistently lowest-achieving school. The parties shall further understand that the failure to negotiate any term or condition in a collective bargaining agreement necessary to meet the criteria for full implementation of the identified school reform model will result in the termination of applicable grants relevant to implementation of said reform model.~~

~~2. Allowable School Reform Models.~~ ~~Each School Reform Plan must be built around one of the following four models for intervention.[3] Regardless of which model is chosen(with the exception of closure), the School Reform Plan must meet the required conditions set forth in Section V of this Protocol in addition to the individual requirements for the specific school intervention model.~~

~~(i) Turnaround model.~~

~~1. A turnaround model is one in which an LEA must--~~

~~(i) Replace the principal and grant the new principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates;~~

~~(ii) Use locally adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students:~~

~~(A) Screen all existing staff and rehire no more than 50 percent; and,~~

~~(B) Recruit and select new staff;~~

~~[3] The four school reform models set forth herein are adapted directly from the following documents published by the U.S. Department of Education: GUIDANCE ON SCHOOL IMPROVEMENT GRANTS UNDER SECTION 1003(g) OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, December 18, 2009; and OVERVIEW INFORMATION: RACE TO THE TOP FUND: NOTICE INVITING APPLCIATIONS FOR NEW AWARDS FOR FISCAL YEAR (FY) 2010 (Fed. Register, 11/18/09).~~

~~(iii) Implement strategies such as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain highly qualified staff with the skills necessary to meet the needs of the students;~~

~~(iv) Provide staff with ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that are able to facilitate effective teaching and learning and successfully implement school reform strategies;~~

~~(v) Adopt a new governance structure, which may include, but is not limited to:~~

~~(A) Requiring the school to report to a new "turnaround office" in the LEA or SEA;~~

~~(B) Hire a "turnaround leader," who may also fill the role of the school transformation officer as detailed in section VI.2. of this Protocol, who reports directly to the Superintendent or Chief Academic Officer; or,~~

~~(C) Enter into a multi-year contract with the LEA or SEA to obtain added flexibility in exchange for greater accountability;~~

~~(vi) Use data to identify and implement an instructional program that is research-based, "vertically aligned" from one grade to the next and aligned with State academic standards;~~

~~(vii) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students;~~

~~(viii) Establish schedules and implement strategies that provide expanded learning time (as defined in this Protocol); and~~

~~(ix) Provide appropriate social-emotional and community-oriented services and supports for students.~~

~~2. A turnaround model may also implement: (a) any of the required and permissible activities under the transformation model; or (b) a new school model (*e.g.*, themed, dual language academy).~~

~~(ii) Restart model.~~

~~1. A restart model is one in which an LEA converts a school or closes and reopens a school under one of the following mechanisms: (1) a charter school operator, or a charter management organization (CMO);[4] or (2) an education management organization (EMO)[5] that has been selected through a rigorous review process. A restart model must enroll, within the grades it serves, any former student who wishes to attend the school.~~

~~[4] Conversion of a public school under the control of a school committee to a public charter school is governed by the parameters set forth at RIGL Chapter 16-77.~~

~~[5] Delegation of control to an EMO over a single school within a school district falls under the school committee's statutory authority to enter into contracts for the care, control care, control, and management of school facilities and equipment. (RIGL §16-2-9(a)(8), (a)(18)).~~

~~2. Approval of a restart model requires the Commissioner to agree that the entity chosen by the LEA, through a process that adheres to local and state procurement requirements, is sufficiently vetted to reasonably ensure that the performance of the school under its management will significantly outperform the past performance of the school on measures to be determined by the Commissioner.~~

~~(iii) School closure.~~

~~1. School closure occurs when an LEA closes a school and enrolls the students who attended that school in other public schools within the state that are higher achieving. These other schools should be within reasonable proximity to the closed school and may include, but are not limited to, charter schools or new schools for which achievement data are not yet available.~~

~~2. Pursuant to RIGL § 16-2-15, closure or relocation of any school is a decision to be made by the school committee, which shall not make such a decision without "good cause." School closure is further governed by Section 1.14 of the Board of Regents School Construction Regulations, which requires timely notification to RIDE of the LEA's intention to close a school, coupled with a detailed plan for accommodating impacted students with the LEA's remaining school buildings. Most importantly, school closure is only an option in those circumstances in which every student in the affected school is able to access a higher performing school than the school to be closed. The Commissioner of Elementary and Secondary Education shall determine the feasibility of such options.~~

~~(iv) Transformation model.~~

~~1. A transformation model is one which the LEA must implement each of the following strategies:~~

~~(i) Teacher and school leader effectiveness.~~

~~The LEA must:~~

~~(A) Replace the principal who led the school prior to commencement of the transformation model;~~

~~(B) Use rigorous, transparent, and equitable evaluation systems for teachers and principals that --~~

~~(a) Take into account multiple and diverse data sources, such as student growth (as defined in this notice), observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement, drop-out, attendance and discipline data and increased high-school graduations rates;~~

~~(b) Are designed and developed with teacher and principal involvement;~~

~~(c) Identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high-school graduation rates and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so;~~

~~(d) Provide staff with ongoing, high-quality, job-embedded professional development (*e.g.*, subject-specific pedagogy, instruction that reflects a~~

~~deeper understanding of the community served by the school, or differentiated instruction) that is aligned with the school's comprehensive instructional program and designed with school staff to ensure effective teaching and successful implementation of school reform strategies;~~
~~(e) Implement strategies such as financial incentives, increased opportunities for promotion and career growth, and flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students; and,~~
~~*(f)* Require that teacher and principal mutually consent to staff assignment, regardless of teacher seniority.~~

~~(ii) Comprehensive instructional reform strategies.~~
~~The LEA must:~~
~~(A) Use data to identify and implement an instructional program that is research-based, "vertically aligned" from one grade to the next and aligned with State academic standards;~~
~~(B) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students; and,~~
~~(C) For secondary schools, establish early-warning systems to identify students who may be at risk of failing to achieve to high standards or graduate.~~

~~(iii) Increased learning time and community-oriented schools.~~
~~The LEA must:~~
~~(A) Establish schedules and implement strategies that provide expanded learning time (as defined in this Protocol); and,~~
~~(B) Provide ongoing mechanisms for family and community engagement.~~

~~(iv) Operational flexibility and sustained support.~~
~~The LEA must:~~
~~(A) Give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates; and~~
~~(B) Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, the SEA, or a designated external lead partner organization (such as a school turnaround organization or an EMO).~~

~~V. Internal Accountability for Reform~~

~~1. The sole purpose in pursuing any of the four allowable reform models is to provide the students currently attending the school with a better alternative – one that guarantees heightened opportunities for learning and achievement. It is the responsibility of the LEA to focus its efforts on schools as units of intervention and individuals as units of change. Regardless of the reform model selected for an identified school, the LEA must have an effective internal accountability framework that:~~

~~(i) Generates and focuses attention on data-based information relevant to teaching and learning;~~
~~(ii) Provides opportunities for educators (and others) to attend not only to current information and programs, but to augment or change strategies in response to this information;~~
~~(iii) Develops the knowledge and skills to promote valid interpretation of the information; and,~~
~~(iv) Allocates resources where they are most needed.~~

~~2. In addition, for each of the four reform models, the LEA's school reform strategies must include:~~

~~(i) Flexible funding at the school level to the extent authorized by applicable law; including: collective bargaining agreements that permit hiring without regard to seniority, or, alternatively, to comply with existing legal requirements regarding assignment of education professionals.~~
~~(ii) Comprehensive instructional reform, including:~~
~~(A) Improved instructional programs and differentiated instruction;~~
~~(B) Modifications to scheduling to increase learning time for students and maximize collaboration time for teachers - consider extended learning time, modified or block scheduling; and,~~
~~(C) Periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective;~~
~~(iii) Improved teacher and school leader effectiveness, including:~~
~~(A) Development of valid and reliable pathways for bringing talented leadership into the schools affected by LEA reform efforts, as well as ongoing supports to administrators and teacher leaders in such schools once reform under this Protocol is instituted;~~
~~(B) Supports and professional development to teachers and principals in order to implement effective strategies to support students with disabilities in the least restrictive environment and to ensure that limited English proficient students acquire language skills to master academic content;~~
~~(C) Assurances that school-based leaders have access to relevant data regarding school, educator and student performance, as well as the ability to perform and/or access meaningful diagnostic analysis to ensure that available data is used to inform decisions regarding ongoing reform efforts; and,~~
~~(D) Evaluation of all professional staff in accordance with State standards.~~

~~3. In addition to the required activities listed above, an LEA subject to this Protocol is encouraged to:~~

~~(i) Expand performance and instructional management, which may include:~~
~~(A) Providing performance incentives for teachers and principals based in significant part on school-wide student achievement;~~
~~(B) Providing additional compensation to attract and retain staff with the skills necessary to meet the needs of the students in a transformation school; and~~
~~(C) Instituting a system for measuring changes in instructional practices resulting from professional development;~~

~~(ii) Extend, expand or restructure the school day, which may include:~~

~~(A) Decreasing class size;~~

~~(B) Developing extended advisory periods that build relationships between students, faculty, and other school staff;~~

~~(C) Improving student transition from middle to high school through summer transition programs or freshman academies;~~

~~(iii) Increase and expand opportunities for students, which may include:~~

~~(A) Expanding the school program to offer full-day kindergarten or pre-kindergarten;~~

~~(B) Offering opportunities and appropriate supports for all students to enroll in varied advanced coursework (such as Advanced Placement or International Baccalaureate; or science, technology, engineering, and mathematics courses, early-college high schools, dual enrollment programs, or thematic learning academies that prepare students for college and careers;~~

~~(C) Increasing graduation rates through, for example, credit-recovery programs, re-engagement strategies, smaller learning communities, competency-based instruction, and acceleration of basic reading and mathematics skills; and,~~

~~(D) Integrating technology-based supports and interventions as part of the instructional program;~~

~~(iv) Expand community partnerships which may include partnering with parents and parent organizations, faith- and community-based organizations, health clinics, other State or local agencies, and others to create safe school environments that meet students' social, emotional, and health needs.~~

~~VI. LEA Duties & Responsibilities~~

~~1. Overview~~

~~Once a school has been identified as one of the state's persistently lowest-achieving schools, a significant restructuring of the school's governance structure is required in order to make fundamental reforms. Substantial changes in the school's staffing and governance are examples of appropriate changes to turn these schools around, as are longer school days, each of which support improved student academic achievement. Further, the responsible LEA must establish the requisite capacity and internal infrastructure to properly manage the reform effort chosen by the LEA in accordance with this Protocol.~~

~~In addition, it is unlikely that sustainable improvement is achievable, even with a change to the governance and/or leadership at the affected school, unless the LEA significantly increases the capacity of the school to move forward and creates conditions within the school that are favorable to reform.~~

~~2. LEA Management of Transformation~~

~~The LEA must manage its school reform efforts under the leadership of a school transformation officer who reports directly to the Superintendent or Chief Academic Officer, and who may have additional staff support depending on the size of the LEA and the number of schools identified for reform. RIDE will work with each LEA to~~

~~determine the structure and staffing needed in order to provide sufficient capacity to implement the chosen school reform model(s). At a minimum, there must be a single point of contact, identified as the LEA School Transformation Officer, who is responsible for ensuring that all applicable legal requirements are met during the reform process, including adherence to this Protocol. For an LEA that has multiple schools identified as among the state's persistently lowest-achieving Schools, RIDE will determine the number of staff required to fulfill the responsibilities outlined in this Section. Specific duties of individuals responsible for managing school transformation shall be clearly set forth in the LEA School Reform Plan.~~

~~The School Transformation Officer is accountable to ensure that the LEA:~~
~~(i) Takes into account concerns of key stakeholders, especially parents and students;~~
~~(ii) Has the requisite knowledge and analytic capacity to inform ongoing reform efforts and evaluate the efficacy of the implementation of such efforts; and,~~
~~*(iii) Is capable, regardless of potential pressure to the contrary, of producing evidence of thoughtful, well-informed decisions that are made in the best interests of students in the public education system.*~~

~~3. LEA Community Outreach Requirements~~
~~All LEA's with schools identified as persistently lowest-achieving shall institute a comprehensive and ongoing plan for communication with affected students, families, educators, community leaders and organizations. The purpose of such a communication plan shall be to engage affected family and community members in the work of reforming affected schools in order to provide students with meaningful choices to access the most effective learning environments possible. At a minimum, LEA generated community outreach shall consist of the following components:~~

~~(i) Ongoing mechanisms for meaningful and periodic family and community engagement in appropriate languages and a variety of delivery mechanisms;~~
~~(ii) Usable and accessible information provided to students and their families about school options if their school has been identified as one of the state's persistently lowest-achieving schools;~~
~~(iii) A communications strategy that fully explains a fair and equitable mechanism for student selection among available school choice options if the student's school is identified for reform under this Protocol (student choice must include a non-charter school option if the affected school is converted to a public charter school); and,~~
~~(iv) A detailed transportation plan that accommodates students who desire to attend a school that is not currently served by the LEA's existing transportation plan.~~

~~4. LEA Selection of a School Reform Option~~
~~Once one or more schools are identified as one of the state's persistently lowest-achieving schools, the Superintendent of the affected LEA shall convene a local stakeholder group within 30 business days of such identification. The purpose of this stakeholder group is to serve as a focus group and to provide feedback to the Superintendent's preliminary recommendation as to which of the four reform models would be preferable given each individual school's context and need. The stakeholder group shall include:~~

~~(1) the Commissioner of Elementary and Secondary Education, or designee;~~

~~(2) the chair of the school committee, or designee;~~
~~(3) the president of the local teacher's union, or designee;~~
~~(4) an administrator from each of the identified schools, who may be the principal or other individual as chosen by the Superintendent;~~
~~(5) a teacher from each identified school, selected by the principal and faculty of the school;~~
~~(6) a parent from each identified school, selected by the principal and school-based parent organization;~~
~~(7) a student or youth representative from each identified high school~~
~~(8) representatives of applicable state and local social service, health, and child welfare agencies, chosen by the Superintendent; and,~~
~~(9) as appropriate, representatives of state and local workforce development agencies, chosen by the Superintendent.~~

~~The Superintendent shall consider the feedback from the local stakeholder group and submit to the Commissioner of Elementary and Secondary Education a letter of intent that specifies the recommended reform option that will be implemented in each school identified as persistently-lowest achieving. The letter of intent describing the reform option must be submitted for approval within 45 business days of designation as a persistently lowest-achieving school.~~

~~In the alternative, if the LEA is unable or unwilling to implement one of the four reform models outlined herein, the LEA shall provide notice of said inability to implement a reform within 45 business days of notification that one of its schools has been identified as one of the state persistently lowest-achieving schools. In the event that such notification is received by RIDE, that shall be considered to be cause to trigger the reconstitution authorities granted the Department of Elementary and Secondary Education and the Board of Regents pursuant to RIGL § 16-7.1-5.~~

~~Upon receipt, the Commissioner shall have 10 business days to approve or reject the selection of the school reform option.~~

~~5. LEA School Reform Plan~~

~~Upon the Commissioner's approval of a school reform option, the Superintendent shall reconvene the local stakeholder group in order to solicit input for the development of a comprehensive school reform plan ("Plan") based on the LEA's school reform choice. The purpose of reconvening this group is to make recommendations to the Superintendent in regard to the content of a reform plan that is specific to each identified school and which incorporates the required elements of the selected reform model as outlined in this Protocol. The Superintendent shall consider stakeholder input, but the Superintendent is responsible for designing a school reform plan based on student need and student outcome data.~~

~~At a minimum, the Plan shall meet the legal requirements for a "school plan" as set forth at 20 U.S.C. 6316(b)(3) in accordance with guidance from RIDE. It is critical that the Plan be sufficiently detailed in regard to governance, budget, staffing, instructional program, supports to students and staff, and other programmatic elements as needed to~~

~~fully implement the reform elements set forth herein for the specific reform model chosen for each identified school.~~

~~The Superintendent shall have no more than 120 business days in which to draft a comprehensive school reform plan. There shall be substantial and meaningful opportunity for public comment and input during the 120 day period. The Superintendent will seek out assistance as needed from the Rhode Island Department of Education in the development of the Plan. The Superintendent shall give good faith consideration to all public input proposed modifications and comments and determine the need for modifications to the Plan prior to its submittal to the Commissioner. Within the 120 period described herein, the Superintendent shall submit the comprehensive school reform plan, complete with a school-based budget, to the Commissioner for approval. The Commissioner shall have 30 business days in which to approve, modify, or reject the Plan.~~

~~The Commissioner may, in consultation with the Superintendent, modify the proposed school reform plan if the Commissioner determines that:~~

> ~~(i) The Plan, as written, fails to promote the rapid academic achievement of students in the applicable school;~~
> ~~ii) A component of the Plan was included, or a modification was excluded, on the basis of demonstrably-false information or evidence; or,~~
> ~~(iii) The Plan fails to meet the substantive requirements of this Protocol.~~

~~All timelines set forth herein may be extended for good cause at the sole discretion of the Commissioner.~~

~~Once accepted by the Commissioner, the school reform plan shall be implemented over a three year period. The Commissioner shall cause the school to be evaluated in regard to its progress in implementing the Plan no less than annually. If progress is deemed to be insufficient, the Commissioner may require modifications to the Plan as needed to address unmet goals. If the school has substantially failed to meet multiple goals in the Plan, the Commissioner may appoint an external operator to manage the implementation of the plan; terminate the contract of an existing operator; or reconstitute the school pursuant to the authorities set forth at RIGL § 16-7.1-5. (See Section VII: Role of the State Education Agency). Conversely, the Commissioner may renew the Plan based on the Superintendent's or external operator's success in meeting the terms of the Plan. If the Commissioner determines after the expiration of the school reform plan that the school has improved sufficiently, the designation of the school as persistently lowest-achieving shall be removed.~~

~~VII. Role of State Education Agency~~

~~As the State Education Agency (SEA), the Rhode Island Department of Elementary and Secondary Education (RIDE) has three distinct roles to play in reforming the state's persistently lowest-achieving schools. First, it is the responsibility of the SEA to~~

~~establish the standards and expectations for school performance and categorize schools based on that performance. Second, the state must provide assistance to those LEA's with identified schools in order to ensure that conditions at the school allow for meaningful reform. If the Department determines that the LEA is not meeting its goals, timelines, budget, or annual targets or is not fulfilling other applicable requirements, the Department will take appropriate enforcement action, which could include a collaborative process between the Department and the LEA, or any of the enforcement measures that are detailed in 34 CFR section 80.43, including putting the LEA on reimbursement payment status, temporarily withholding funds, or disallowing costs.~~

~~If the LEA is unable or unwilling to implement one of the four reform models outlined herein, the LEA shall provide notice of said inability to implement within 45 business days of notification that one of its schools has been identified as one of the state's persistently lowest-achieving schools. In the event that such notification is received by RIDE, that shall be cause to trigger the reconstitution authorities granted the Department of Elementary and Secondary Education and the Board of Regents pursuant to RIGL § 16-7.1-5. Section 16-7.1-5 reads, in pertinent part, as follows:~~

> ~~If after a three (3) year period of support there has not been improvement in the education of students as determined by objective criteria to be developed by the board of regents, then there shall be progressive levels of control by the department of elementary and secondary education over the school and/or district budget, program, and/or personnel. This control by the department of elementary and secondary education may be exercised in collaboration with the school district and the municipality.~~ **~~If further needed, the school shall be reconstituted. Reconstitution responsibility is delegated to the board of regents and may range from restructuring the school's governance, budget, program, personnel, and/or may include decisions regarding the continued operation of the school.~~** ~~The board of regents shall assess the district's capacity and may recommend the provision of additional district, municipal and/or state resources. If a school or school district is under the board of regents' control as a result of actions taken by the board pursuant to this section, the local school committee shall be responsible for funding that school or school district at the same level as in the prior academic year increased by the same percentage as the state total of school aid is increased.~~
> ~~(RIGL § 16-7.1-5) (emphasis added).~~

~~Reconstitution:~~

~~If the Commissioner decides that reconstitution is necessary in order to protect the rights of students in a specific school, the Commissioner may order the local school district to show cause why an administrative order placing the district under full state intervention should not be implemented. The local school committee may accede to the creation of a state-operated district or it may request a plenary hearing before a RIDE hearing officer to contest the show-cause order. In the plenary hearing the state has the burden of showing that the Commissioner's recommended administrative order is not arbitrary, unreasonable, or capricious.~~

~~Upon receiving the hearing officer's factual findings and recommendation, the Commissioner may modify the School Reform Plan, order the implementation of an LEA corrective action plan, or recommend that the Board of Regents issue an order either reconstituting the school, assigning the governance of the school to a third party operator, or closing the school. Upon issuance of any order by the Board of Regents affecting the operation of a school pursuant to RIGL § 16-7.1-5, the school committee may appeal the Board of Regents' decision in the Superior Court.~~

~~Should the Board of Regents exercise its authority to reconstitute or close a school due to persistently low student achievement, it becomes the responsibility of the SEA to determine how the school will then be managed. Section 16-7.1-5 allows the Department of Elementary and Secondary Education to share its control over the school in collaboration with the school district and the municipality. For the purposes of this Protocol, reconstitution shall mean turnaround, restart, or transformation as defined in Section 3.2. herein.~~

~~Unless the Regents specify otherwise in a particular case, reconstitution shall be presumed to take the affected school out of the LEA. Reform is required in our persistently lowest-achieving schools. If an LEA is unable or unwilling to institute the reforms described in this Protocol, then the school must be considered to be under the direct control of the Department of Elementary and Secondary Education, which is then free to hire a Charter Management Organization (CMO) or an Education Management Organization (EMO) to operate the school. Said CMO or EMO then becomes a site-based employer. Although the current employer/employee relationship is interrupted, nothing herein shall be considered to limit whatever rights are available to the professional and support staff in regard to organizing and collectively bargaining compensation schemes, benefits, and working conditions with the new employer, subject to those conditions that may be established in an Order of Reconstitution.~~

~~Reconstitution orders may vary depending on the factual circumstances specific to each affected school. However, it is anticipated that all reconstitution schools will share the following characteristics in terms of control over program, personnel and budget:~~

~~**Program:** The school shall run on an extended school year and extended school day with before, after school, and summer learning opportunities and expanded student and family supports.~~

~~(i) There shall be flexible school and individual teacher schedules.~~
~~(ii) The school shall have one or more significant community partnership(s) that support teaching and learning.~~
~~(iii) Regular teacher contact with parents/families shall be required and monitored.~~
~~(iv) A personalization plan for each student shall be developed and supported.~~
~~(v) A literacy coach and a math coach shall be required in each school.~~

~~**Personnel:** The Principal (or Director) shall have recruiting, hiring, and dismissal authority of all staff members in their school. Current staff, including administrators and teachers, shall be required to reapply for jobs in the school.~~

~~(i) Teacher assignment shall be a decision based on teacher expertise and the needs of students, not an entitlement driven by seniority.~~
~~(ii) Teachers and administrators shall be evaluated annually.~~
~~(iii) Additional hours for teacher/staff professional development and collaborative planning shall be required.~~
~~(iv) The district and union shall incorporate mechanisms to address teacher assignment; flexible scheduling; and the role of department chairs or grade leaders.~~

~~**Budget:** The Principal (or Director) shall have control over the allocation of money, time, and programming.~~
~~(i) Budgeting and decision-making shall revolve around the needs of students first.~~
~~(ii) Teachers and administrators shall have a professional incentive system, (salaries that attract quality leaders and teachers; performance pay based on student success).~~
~~(iii) There shall be differentiated roles for teachers and differentiated compensation based on those roles.~~

~~The Order of Reconstitution shall set forth clear, measurable performance targets for the affected school. Timelines for implementation of specific required tasks, along with the roles and responsibilities of various key stakeholders, together with the oversight responsibilities of the Department, shall be clear and unambiguous. There shall be an Office of School Transformation at RIDE that will have the responsibility of coordinating all communications and interactions between the reconstituted school and the SEA. Funding for the reconstituted school shall continue to come from the LEA in a manner to be determined by the Commissioner. Said funding may be supplemented by the State, again as may be determined by the Commissioner.~~