

2017 -- H 5238

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO EDUCATION - LOW AND MODERATE INCOME HOUSING

Introduced By: Representatives Morin, Maldonado, Phillips, Carson, and Casey

Date Introduced: January 26, 2017

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 16-7.2-3 of the General Laws in Chapter 16-7.2 entitled "The  
2 Education Equity and Property Tax Relief Act" is hereby amended to read as follows:

3           **16-7.2-3. Permanent foundation education aid established.**

4           (a) Beginning in the 2012 fiscal year, the following foundation education-aid formula  
5 shall take effect. The foundation education aid for each district shall be the sum of the core  
6 instruction amount in subdivision (a)(1) and the amount to support high-need students in  
7 subdivision (a)(2), which shall be multiplied by the district state-share ratio calculated pursuant to  
8 § 16-7.2-4 to determine the foundation aid.

9           (1) The core-instruction amount shall be an amount equal to a statewide, per-pupil core-  
10 instruction amount as established by the department of elementary and secondary education,  
11 derived from the average of northeast regional expenditure data for the states of Rhode Island,  
12 Massachusetts, Connecticut, and New Hampshire from the National Center for Education  
13 Statistics (NCES) that will adequately fund the student instructional needs as described in the  
14 basic education program and multiplied by the district average daily membership as defined in §  
15 16-7-22. Expenditure data in the following categories: instruction and support services for  
16 students, instruction, general administration, school administration, and other support services  
17 from the National Public Education Financial Survey, as published by NCES, and enrollment data  
18 from the Common Core of Data, also published by NCES, will be used when determining the  
19 core-instruction amount. The core-instruction amount will be updated annually. For the purpose

1 of calculating this formula, school districts' resident average daily membership shall exclude  
2 charter school and state-operated school students.

3 (2) The amount to support high-need students beyond the core-instruction amount shall  
4 be determined by multiplying a student success factor of forty percent (40%) by the core  
5 instruction per-pupil amount described in subdivision (a)(1) and applying that amount for each  
6 resident child whose family income is at or below one hundred eighty-five percent (185%) of  
7 federal poverty guidelines, hereinafter referred to as "poverty status."

8 (b) Local education agencies (LEA) may set aside a portion of funds received under  
9 subsection (a) to expand learning opportunities such as after school and summer programs, full-  
10 day kindergarten and/or multiple pathway programs, provided that the basic education program  
11 and all other approved programs required in law are funded.

12 (c) The department of elementary and secondary education shall promulgate such  
13 regulations as are necessary to implement fully the purposes of this chapter.

14 (d) The provisions of §45-53-10 shall be applied after the yearly amount of education aid  
15 provided for under subsection (a) of this section is calculated.

16 SECTION 2. Chapter 45-53 of the General Laws entitled "Low and Moderate Income  
17 Housing" is hereby amended by adding thereto the following section:

18 **45-53-10. Education aid to be indexed to achieving low- and moderate-income**  
19 **housing levels.**

20 (a) Effective January 1, 2018, a community's receipt of permanent foundation education  
21 aid pursuant to chapter 7.2 of title 16 shall be indexed to a municipality's ability to successfully  
22 meet its low- and moderate-income housing goals as provided for in this chapter, in the following  
23 manner:

24 (1) For purposes of this section, commencing on January 1, 2018, and for each successive  
25 year thereafter, every community shall have a five (5) year period to meet the goal of ten percent  
26 (10%) of the year-round units or, in the case of certain urban towns or cities, fifteen percent  
27 (15%) of the occupied rental housing units as being low- and moderate-income housing, as  
28 provided for in §45-53-3. If a community's minimum percentage requirements of low- or  
29 moderate-income housing are adjusted by statute, then the provisions of this section shall be  
30 indexed and tied to those adjustments such that whether a community's education aid is increased  
31 or decreased will be dependent upon the adjusted minimum amount of low- and moderate-income  
32 housing that is required;

33 (2) After the five (5) year period provided for in subsection (a)(1) of this section, and for  
34 each year thereafter, any community that exceeds the required minimum goals identified in

1 subsection (a)(1) of this section for low- and moderate-income housing shall have its education  
2 aid increased in a percentage amount equal to the percentage by which the community exceeds its  
3 required minimum goals of ten percent (10%) or fifteen percent (15%) whichever is applicable.  
4 Any community which receives an increase in education aid pursuant to the provisions of this  
5 section shall be eligible to receive increases so long as the community maintains an amount of  
6 low- and moderate-income housing in excess of the community's statutory minimum  
7 requirements.

8 (3) The division of planning of the department of administration shall certify to the  
9 general assembly on or before April 1 of each year as to the percentage and amount of low-  
10 income housing in a municipality as of the previous year, for purposes of implementing this  
11 section.

12 (b) As used herein:

13 (1) "Community" means the municipality or municipalities serviced by, a part of, or in a  
14 given school district; and

15 (2) "Education aid" means the permanent foundation education aid received by each  
16 school district established pursuant to the provisions of chapter 7.2 of title 16, "the education  
17 equity and property tax relief act."

18 SECTION 2. This act shall take effect on January 1, 2018.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would provide for increases in the amount of foundation level school support  
2 that a community would receive, based upon a community's ability to meet and surpass its  
3 minimum low and moderate income housing requirements.

4           This act would take effect on January 1, 2018.

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