

2016 -- S 2670

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LC005296
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO EDUCATION - UNDERUTILIZED SCHOOL HOUSING

Introduced By: Senator Louis P. DiPalma

Date Introduced: March 08, 2016

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-2-15 of the General Laws in Chapter 16-2 entitled "School
2 Committees and Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of
3 Education Act]" is hereby amended to read as follows:

4 **16-2-15. Location of schools -- Control of property.** -- (a) The school committee shall
5 locate all schoolhouses, and shall not abandon, close, or change the location of any without good
6 cause; and, unless provided by law, the school committee of each city or town shall have the care
7 and control of all public school buildings and other public school property of the city or town,
8 including repairs of the buildings and the purchase of furniture and other school equipment.

9 (b) The school committee of any city or town may provide public school housing for the
10 city or town by lease of buildings or portions of buildings, furniture, and other school equipment,
11 subject to the following provisions:

12 (1) During the period or periods to which the lease applies the property leased shall be
13 public school property of the city or town in all respects to the same effect as any public school
14 building of the city or town;

15 (2) The lease shall provide for use and occupancy of periods at least the same as or
16 equivalent to the periods during which public school buildings of the city or town are used and
17 occupied;

18 (3) As applied to rooms for instruction the lease shall provide for exclusive use and
19 occupancy during the periods of the lease and may provide for common or concurrent use and

1 occupancy of other areas of the property;

2 (4) The use and occupancy under the lease may be for purpose of instruction at particular
3 grade levels or in particular courses of study and may provide for consecutive use and occupancy
4 of specified areas of the property provided that total use and occupancy under this lease complies
5 with the provisions of subsection (b)(2).

6 (c) Upon application of the school committee of any city or town, the commissioner of
7 elementary and secondary education may prescribe by regulation standards for the leases in
8 accordance with this chapter and in accordance with the Constitution, laws, and education
9 policies and programs of the state. The expenses of the city or town under the lease shall
10 constitute expenditures to support the basic program pursuant to the provisions of §§ 16-7-15 to
11 16-7-34.

12 (d)(1) Whenever a public school building under the control of a school committee is
13 unused or underutilized, the school committee may convey or lease the public school building for
14 use by any public school. A school committee shall also have authority to lease any portion of a
15 school building for public school purposes.

16 (2) Prior to abandoning or closing any public school building, the school committee
17 having control of such public school building shall publish a notice that the public school
18 building is available for purchase or lease by any other public school committee. Any other public
19 school committee may, within six (6) months after the publication of the notice, offer to purchase
20 or lease the public school building. If no offer to purchase or lease the public school building
21 shall have been received within the six (6) month period following publication of the notice, the
22 school committee having control of the public school building may abandon or close the school
23 building if such abandonment or closure otherwise conforms to law.

24 (3) A public school building shall be deemed underutilized if it houses substantially
25 fewer students than it was designed to house, and that condition is expected by the commissioner
26 of education to continue for at least three (3) academic years. The board of education may adopt
27 regulations to implement greater public school usage of unused and underutilized school housing
28 when demand therefor exists.

29 (4) As used in this subsection, the term "public school committee" includes the governing
30 board of a charter public school.

31 SECTION 2. Section 16-7-37 of the General Laws in Chapter 16-7 entitled "Foundation
32 Level School Support [See Title 16 Chapter 97 - The Rhode Island Board Of Education Act]" is
33 hereby amended to read as follows:

34 **16-7-37. Reports from communities.** -- The superintendent of schools in each

1 community shall certify to the commissioner of ~~elementary and secondary~~ education by the dates
2 designated in accordance with the regulations of the board of ~~regents for elementary and~~
3 ~~secondary~~ education any information that may be needed for the operation of §§ 16-7-35 to 16-7-
4 47, in any form and upon any blanks that the commissioner of ~~elementary and secondary~~
5 education shall require. [The commissioner of education shall request detailed information, broken](#)
6 [down by building, about space utilization in all districts on an annual basis.](#)

7 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would enable and encourage school committees to make unused and underused
- 2 school buildings available to other public schools.
- 3 This act would take effect upon passage.

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