

INCREASING ACCESS TO HIGH-QUALITY SCHOOLS IN INDIANAPOLIS THROUGH THE LOW-INCOME HOUSING TAX CREDIT QUALIFIED ALLOCATION PLAN

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INTRODUCTION

Countless children in the greater Indianapolis metropolitan area lack access to high-quality public schools due to the median income and racial makeup of their neighborhood. School and residential racial segregation in our country, coupled with inequitable distribution of resources across neighborhoods and schools, creates a system in which students of color often lack access to high-quality schools compared to white students in the same region.¹ In fact, Black and Latinx students are the least likely to have access to high-quality schools nationally.² They are even less likely to attend high-quality schools in metropolitan areas, like Indianapolis, where higher levels of racial residential segregation persist.³

Access to high performing schools for low-income students is increasingly important. The concentration of poverty is deepening which is increasing the achievement gap nationwide. “[T]he difference in standardized math and reading test scores between rich and poor students is 40 percent greater today than it was three decades ago.”⁴ In Indiana specifically, “the achievement gap between students from poor families and their more economically-advantaged peers persists. The average gap in passing rates between students on paid lunch and those receiving free or reduced-price meals on [2018]’s [standardized] test was 21[percent].”⁵

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1. Ruth Gourevitch, *Federal and Fair Housing Data Can Tell Us About Access to Quality Schools*, HOUSING MATTERS AN URBAN INSTITUTE INITIATIVE, (Aug. 22, 2018), <https://housingmatters.urban.org/articles/federal-fair-housing-data-can-tell-us-about-access-quality-schools> [https://perma.cc/BW7T-CRCH].

2. *Id.*

3. *Id.*

4. Katherine Michelmore & Susan Dyanarski, *Income Differences in Education: The Gap Within the Gap*, ECONOFACT (Apr. 20, 2017), <https://econofact.org/income-differences-in-education-the-gap-within-the-gap> [https://perma.cc/6DCR-KHKN].

5. Akira Herron, *Indiana May be Under-funding Students Most in Need, Study Says*, INDYSTAR (Oct. 21, 2019), <https://www.indystar.com/story/news/education/2019/10/21/indiana-public-education-poverty-underfunding-at-risk-students/4013376002/> [https://perma.cc/QJF7-WNUM].

Reforming Indiana's Qualified Allocation Plan (QAP) for selecting Low-Income Housing Tax Credit (LIHTC) developments can reduce this achievement gap by incentivizing developers to build affordable housing near high-performing schools in lower poverty areas. Evidence shows that doing so "significantly improves college attendance rates and earnings for children who were young . . . when their families moved."⁶ The increased earnings result in a "significant benefits to taxpayers."⁷ Conversely, "[p]oorly educated people limit economies' capacity to produce, grow and innovate."⁸ Individuals who do not receive a high-quality education are at risk for higher rates of unemployment, employment instability, and they typically earn less over their lifetime.⁹

This note examines how housing policy in Indiana can be used to improve educational outcomes in Indianapolis for students of color, particularly Black students, by increasing access to high-quality schools through the LIHTC program. Part I offers a brief historical background of neighborhood and school segregation in Indianapolis. Part II describes the LIHTC program and its implementation through Indiana's Qualified Allocation Plan, the role of the Indiana Housing and Community Development Authority, and the Housing Choice Voucher Program. Part III evaluates recent family LIHTC developments for their proximity to high-quality schools. Part IV demonstrates that revisions to Indiana's QAP could decrease the concentration of poverty and increase access to high-performing schools.

I. BRIEF OVERVIEW OF HISTORIC NEIGHBORHOOD AND SCHOOL SEGREGATION IN INDIANAPOLIS

Numerous causes of neighborhood and school segregation coupled with lack of investments created concentrations of poverty in minority communities in Indianapolis. This part provides a brief overview of both the private and state sanctioned efforts to keep Indianapolis segregated and the enduring consequences of segregation on Indianapolis area schools.

A. Residential Segregation

More than fifty years since the passing of the Fair Housing Act, Indianapolis remains residentially segregated. Housing disparities are prevalent—nearly half of Marion County's Black residents live in neighborhoods that are "under-resourced," and the value of homes in majority-Black neighborhoods are on

6. RAJ CHETTY ET AL., THE EFFECTS OF EXPOSURE TO BETTER NEIGHBORHOODS ON CHILDREN: NEW EVIDENCE FROM THE MOVING TO OPPORTUNITY EXPERIMENT Abstract (Harvard Univ. & NBER eds., 2015), https://scholar.harvard.edu/files/hendren/files/mto_paper.pdf [<https://perma.cc/QR2C-QGW5>].

7. *Id.* at 6.

8. OECD, EQUITY AND QUALITY IN EDUCATION: SUPPORTING DISADVANTAGED STUDENTS AND SCHOOLS 3 (OECD Publishing 2012), <https://www.oecd.org/education/school/50293148.pdf> [<https://perma.cc/W7SR-A7PF>].

9. *Id.* at 25.

average \$41,000 lower than the county average.¹⁰ This results in a staggering statistic—“[m]ore than 88 percent of majority-[B]lack neighborhoods have a median home value less than Marion County’s median home value.”¹¹ Discrimination, exclusion from government sponsored mortgage loan programs, racial covenants, racial zoning restrictions, and predatory lending drive these statistics.¹²

Black people were kept from purchasing homes in predominantly white neighborhoods through several practices. White realtors would not show Black people homes in those areas. To the extent they were shown the homes, “a two-price system was used: a realistic market price to whites and a ridiculously inflated price” to Black folks.¹³ If people of color overcame those hurdles, private lending institutions refused to finance homes sought to be purchased by Black people “regardless of the applicants’ creditworthiness” because the Federal Housing Administration refused to insure mortgages for Black applicants.¹⁴ Additionally, residential segregation was often enforced by law, most frequently through racial covenants which “limited ownership of the lot to persons of the white race.”¹⁵

Redlining caused Indianapolis neighborhoods to become deeply segregated. In the 1930s, government appraisers coded neighborhoods based on their risk.¹⁶ Neighborhoods coded red were considered high risk and “hazardous”; therefore, residents of those neighborhoods were unlikely to qualify for mortgages and property values fell.¹⁷ A neighborhood was coded red if it had Black residents, even if it was a middle-class neighborhood.¹⁸ Black neighborhoods were

10. Jill Sheridan, *New Housing Report Sheds Light on Disparity*, WFYI NEWS (Feb. 17, 2020), <https://www.wfyi.org/news/articles/new-housing-report-sheds-light-on-disparity> [<https://perma.cc/58W2-LK57>]; see also Breanca Merritt et al., *Homeownership & Home Values Among Black Neighborhoods in Marion County* (2018), IND. UNIV. PUB. POL. INST. CTR. FOR RESEARCH ON INCLUSION & SOC. POLICY (Feb. 2020).

11. Merritt et al., *supra* note 10, at 1.

12. *Id.*; see generally RICHARD ROTHSTEIN, *THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA* (2017).

13. *United States v. Bd. of Sch. Comm’rs*, 332 F. Supp. 655, 662 (S.D. Ind. 1971).

14. ROTHSTEIN, *supra* note 12, at 67. Loan denials continue to plague minority applicants in 2020, “Black and Hispanic-White applicants experienced denial rates . . . of 17.2 percent and 11.2 percent respectively, while the denial rates for Asian and non-Hispanic-White applicants were 9.1 and 6.1 respectively.” *FFIEC Announces Availability of 2020 Data on Mortgage Lending*, FED. FIN. INST. EXAMINATION COUNCIL (June 21, 2021) (<https://www.ffiec.gov/press/pr061721.htm>).

15. *Bd. of Sch. Comm’rs*, 332 F. Supp. at 662.

16. Sarah Bowman, *The White River: Boundaries of 'Redlining' Maps Still Etched in Indianapolis Neighborhoods*, INDYSTAR (May 2, 2020), <https://www.indystar.com/in-depth/news/environment/2020/05/02/redlined-indianapolis-areas-still-see-poverty-poor-health/3017810001> [<https://perma.cc/R279-NLM3>].

17. *Id.*

18. ROTHSTEIN, *supra* note 12, at 64.

disproportionately affected by redlining and the program “explicitly denied to back loans for [B]lack people or even residents of majority [B]lack neighborhoods.”¹⁹ The areas deemed high-risk in Indianapolis in the 1930s remain areas of concentrated poverty that lack access to high-quality schools.²⁰

B. School Segregation

In addition to redlining and efforts to segregate neighborhoods, Indianapolis Public Schools historically drew the school boundaries to take advantage of segregated housing and ensure that schools would remain segregated too.²¹ These boundary drawing issues stemmed from the unified government, or “Unigov” law that consolidated the majority of the smaller communities in Marion County into a single large city.²² The merger of cities and counties to conserve resources was common in other areas of the country at the time, but Indianapolis was the only city to leave schools out of their consolidated city-county government plan.²³ Leaving schools out of the consolidated government plan “accentuated school segregation.”²⁴ Indianapolis Public Schools served 98.5 percent of the county’s Black residents at the time of the merger.²⁵ The Board of School Commissioners constructed schools, transferred students, and changed school boundary lines to perpetuate discrimination.²⁶

In *United States v. Board of School Commissioners*, the Department of Justice brought a lawsuit against school boards in the greater metropolitan area because of this state sanctioned segregation. The major state action surrounding the first case was the state’s failure to extend the boundaries of the Indianapolis Public School (IPS) District when the municipal government of Indianapolis and other governmental units in Marion County consolidated in Uni-Gov.²⁷ In 1971, Judge Dillin of the Southern District of Indiana found that there was “a segregated school system wherein segregation was imposed and enforced by operation of law.”²⁸

19. Rebecca Denne, *Inequality Remade: Residential Segregation, Indianapolis Public Schools, and Forced Busing*, INDIANA HISTORY BLOG (Feb. 16, 2017), <https://blog.history.in.gov/inequality-remade-residential-segregation-indianapolis-public-schools-and-forced-busing/> [<https://perma.cc/CT4N-KQTY>].

20. Bowman, *supra* note 16.

21. Denne, *supra* note 19.

22. Shaina Cavazos, *Racial Bias and the Crumbling of a City*, THE ATLANTIC (Aug. 17, 2016), <https://www.theatlantic.com/education/archive/2016/08/indianapolis-school-districts/496145/> [<https://perma.cc/RM74-DAD9>].

23. C. JAMES OWEN & YORK WILLBERN, GOVERNING METROPOLITAN INDIANAPOLIS: THE POLITICS OF UNIGOV 13 (1985).

24. *Id.* at 168.

25. *United States v. Bd. of Sch. Comm'rs*, 332 F. Supp. 655, 663 (S.D. Ind. 1971).

26. *Id.* at 667-71.

27. *Id.* at 658, 673.

28. *Id.* at 678.

The court permanently enjoined the school district from discriminating on the basis of race in the operation of the public school system and ordered that all Marion County school districts be consolidated to one.²⁹ The district was ordered to create a plan to remedy the segregation for the following school year.³⁰

The Indianapolis Board submitted an Indianapolis-only plan for desegregation to the court which was subsequently rejected by Judge Dillin for fear that “white flight” would leave schools segregated if the plan was only put in place for IPS.³¹ The court held that in order to result in actual desegregation, the plan must include the surrounding districts too.³² Judge Dillin also created an interim plan for the following school year.³³ The court of appeals affirmed in part to keep the interim plan in place.³⁴ But, the court reversed “the district court’s findings, rulings, orders[,] and discussion relating to a metropolitan remedy beyond the Uni-Gov boundaries”.³⁵ Additionally, the court held that the order to consolidate to one school district within Uni-Gov was vacated and remanded.³⁶ The result was that schools outside of Marion County could not be involved in the remedy and that Marion County could remain fragmented into numerous, unequal districts.

On remand, Judge Dillin held that an interdistrict remedy was necessary for desegregation to occur.³⁷ A plan was put in place to desegregate the schools by bussing Black students to districts within the consolidated city-county government boundaries, but outside of the IPS boundaries.³⁸ He also enjoined the local housing authority from building any additional public housing units in the IPS district because the confinement of all low-rent public housing projects (which were 98 percent Black) to areas within the boundaries of IPS “had a major influence toward keeping black students confined within IPS, while at the same time keeping the suburban school systems virtually all white.”³⁹ But this was not the end of the litigation.

On yet another appeal, the Seventh Circuit, held that the Uni-Gov “interdistrict remedy ordered by the district court was proper” and that “the district court did not abuse its discretion in enjoining the Housing Authority from building additional projects within IPS.”⁴⁰ There was subsequent litigation to determine the permitted scope of the bussing remedy. The court of appeals

29. *Id.* at 680.

30. *Id.* at 681.

31. *United States v. Bd. of Sch. Comm’rs*, 368 F. Supp. 1191, 1198 (S.D. Ind. 1973).

32. *Id.* at 1199.

33. *Id.* at 1208-10.

34. *United States v. Bd. of Sch. Comm’rs*, 503 F.2d 68, 80 (7th Cir. 1976).

35. *Id.*

36. *Id.*

37. *Bd. of Sch. Comm’rs*, 419 F. Supp. at 184-86 (S.D. Ind. 1975).

38. *Id.*

39. *Id.* at 186.

40. *United States v. Bd. of Sch. Comm’rs*, 541 F.2d 1211, 1222-23 (7th Cir. 1976).

modified the plan and excluded Speedway Schools and Beech Grove City Schools but kept the remainder of the bussing plan intact.⁴¹ The mandate lasted from 1981 to 2016; however, the goal of the mandate, to desegregate the schools, was left largely unfulfilled.⁴²

Notably, the Indianapolis Housing Agency, the State of Indiana, and the United States also entered into an agreement that supported the larger settlement with the school districts in 1998.⁴³ The agreement stated that all parties “have an interest in achieving diversity in schooling and housing throughout Marion County.”⁴⁴ The agreement stipulated that the housing agency establish and fund housing counseling and assistance with facilitating residential desegregation.⁴⁵

Unfortunately, “Indianapolis Public Schools elementary buildings [we]re more segregated [in 2016] than they were when the busing program began in 1981.”⁴⁶ Additionally, the agreement with the Indianapolis Housing Agency was not particularly fruitful as residential segregation persists, and as this note discusses, affordable housing is still primarily funded in IPS territory. Worse, Judge Dillin’s fear that not incorporating all districts in the metropolitan area would result in a failed remedy was realized—Indianapolis schools with high minority populations are significantly underperforming relative to predominantly white schools and are found in areas with higher concentrations of poverty.⁴⁷

C. 2019-2020 School District Demographics

The past segregation and lack of access to equal opportunity had lasting implications. In the 2019-2020 school year, Indianapolis Public Schools included 72.1 percent Black and Latinx students and 65.4 percent of all students were economically disadvantaged.⁴⁸ The surrounding township school districts had much different demographics, typically with lower levels of students who were economically disadvantaged and lower minority populations.⁴⁹ These demographics are important because concentrated poverty largely correlates with

41. United States v. Bd. of Sch. Comm’rs, 637 F.2d 1101, 1115 (7th Cir. 1980).

42. Shaina Cavazos, *The End of Busing in Indianapolis*, THE ATLANTIC (July 5, 2016), <https://www.theatlantic.com/education/archive/2016/07/the-end-of-busing-in-indianapolis/489962/> [<https://perma.cc/Z55W-5ER7>].

43. Wilma L. Moore, Indianapolis Pub. Sch. Segregation Case Collection (May 2011), <https://indianahistory.org/wp-content/uploads/indianapolis-public-schools-desegregation-case.pdf> [<https://perma.cc/L8KL-JRAZ>].

44. Agreement on the Return of Transfer Areas to IPS, United States v. Bd. of Sch. Comm’rs of Indianapolis (No. 1:68-cv-00225), available at <https://www.clearinghouse.net/chDocs/public/SD-IN-0001-0001.pdf> [<https://perma.cc/829U-L563>].

45. *Id.*

46. Cavazos, *supra* note 42.

47. See *infra* Appendix A (providing information on greater Indianapolis metropolitan area school district demographics).

48. *Id.*

49. *Id.*

decreased student performance and lower school grades.⁵⁰ For example, the overall grade for the Indianapolis Public Schools district is a “D” with 65.4 percent of the students classified as “economically disadvantaged,” compared to a “C” for Washington Township with 53.7 percent, and an “A” for Franklin Township Community School Corporation with 42.7 percent.⁵¹

The correlation is even more prominent in relation to the surrounding counties. Hamilton County, for example, directly north of Marion County, includes four cities with “A” school districts.⁵² Carmel Clay Schools were rated as an “A” school district with only 10.6 percent economically disadvantaged;⁵³ Hamilton Southeastern Schools were also rated as an “A” and were comprised of 15 percent of students who were economically disadvantaged;⁵⁴ another “A” district, Noblesville Schools, with 22.2 percent economically disadvantaged students;⁵⁵ and finally, Westfield-Washington Schools were rated as an “A” and included 14.7 percent students who were economically disadvantaged.⁵⁶ All four of these school districts had less than 16 percent Black and Latinx students; Carmel Clay Schools had 7 percent, Hamilton Southeastern Schools 15.6 percent, Noblesville Schools 11.7 percent, and Westfield-Washington Schools 12.5 percent.⁵⁷

Several other cities contiguous to Indianapolis have school districts with overall lower concentrations of poverty, lower concentrations of Black and Latinx students, and ultimately higher state grades.⁵⁸ Greenwood Community School Corporation was an “A” district with 48.2 percent economically disadvantaged and 14.2 percent Black and Latinx; Brownsburg Community School Corporation was an “A” district with 24.9 percent economically disadvantaged and 20.8 percent Black and Latinx; Zionsville Community Schools was 5.4 percent economically disadvantaged and 7 percent Black and Latinx and rated an “A” district; Plainfield Community School corporation was also an “A” with 27.4 percent economically disadvantaged and 10.9 percent Black and Latinx; and Avon Community School Corporation was a “B” district with 33.4 percent and 27.5 percent respectively.⁵⁹

50. *Id.*

51. *Id.*

52. *Id.*

53. *Id.*

54. *Id.*

55. *Id.*

56. *Id.*

57. *Id.*

58. *Id.*

59. *Id.*

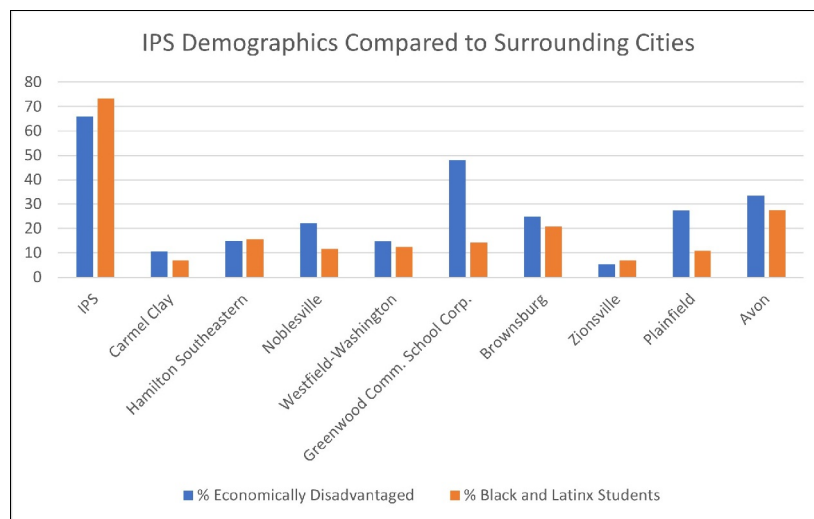


Figure 1: IPS Demographics Compared to Surrounding Cities (by Author).

Of the twenty-two school districts in the greater Indianapolis metropolitan area analyzed for this note, there were ten with “A” state grades.⁶⁰ The average percentage of students economically disadvantaged for these ten districts was 26.45 percent and the average percentage of non-white students was 28.6 percent.⁶¹ The only “D” rated school district in the metropolitan area was Indianapolis Public Schools with over double the percentage of minority students and nearly three times the percent of students economically disadvantaged.⁶²

In addition to interdistrict disparities, there were immense *intradistrict* performance disparities between schools in majority white neighborhoods and schools in majority Black and Latinx neighborhoods within Indianapolis Public Schools, the largest school district in the area.⁶³ For example, one of the highest performing schools in the Indianapolis Public Schools district is Center for Inquiry School 84, which is only 5.8 percent economically disadvantaged and 82.7 percent white.⁶⁴ It is an A school which “Exceeds Expectations” federally.⁶⁵ Center for Inquiry School 84 is far below the district average for students who are economically disadvantaged (66 percent) and far below the average percent Black

60. *Id.*

61. *Id.* (averages were calculated based on information in the table).

62. *Id.*

63. See *Indianapolis Public Schools*, IND. DEP’T OF EDUC., <https://inview.doe.in.gov/corporations/1053850000/school-list> [<https://perma.cc/K8Z9-5F2P>].

64. *Center for Inquiry School 84*, IND. DEP’T OF EDUC., <https://inview.doe.in.gov/schools/1053855659/profile> [<https://perma.cc/4GFW-WCSD>].

65. *Id.*

and Latinx students (73.4), yet far above the district average in school performance—an “A” rating as opposed to the district’s average, “D”.⁶⁶ This background underlines the severity of the issue regarding access to high-quality schools for low-income students and students of color in the greater Indianapolis metropolitan area.

II. RELEVANT PROGRAMS

A. Low-Income Housing Tax Credit Program, the Indiana Housing and Community Development Authority, and the 2020-2021 Qualified Allocation Plan

The Low-Income Housing Tax Credit (LIHTC) program is a federal program created by statute that operates through the federal tax code to give private investors a federal income tax credit as an incentive to invest in affordable rental housing.⁶⁷ This program supplies and preserves nearly all new affordable housing units in the United States each year.⁶⁸ According to the LIHTC database, there were over “3.23 million housing units placed in service between 1987 and 2018.”⁶⁹ This is a massive federal program that gives state and local agencies “approximately \$8 billion in annual budget authority to issue tax credits for the acquisition, rehabilitation, or new construction of rental housing targeted to lower-income households.”⁷⁰

The program requires developers to include a certain number of units with affordable rents, defined as a “household . . . paying no more than 30 percent of its income for housing costs.”⁷¹ The development can target specific populations such as families, elderly, or disabled individuals⁷²; however, this note discusses only the family LIHTC developments.

In Indiana, the Indiana Housing and Community Development Authority (IHCDA) acts as the housing credit agency to administer the LIHTC program.⁷³

66. *Id.*; see *infra* Appendix A (providing information on greater Indianapolis metropolitan area school district demographics).

67. CORIANNE P. SCALLY ET AL., THE LOW-INCOME HOUSING TAX CREDIT HOW IT WORKS AND WHO IT SERVES, URBAN INSTITUTE 1 (2018).

68. *Id.* at 12.

69. OFF. OF POL’Y DEV. & RSCH., LOW-INCOME HOUSING TAX CREDITS, <https://www.huduser.gov/portal/datasets/lihtc.html> [<https://perma.cc/X3HB-5VBU>].

70. *Id.*

71. SCALLY ET AL., *supra* note 67, at 2.

72. Raphael Bostic, *The LIHTC Program*, OFF. OF POL’Y DEV. & RSCH. (last visited March 14, 2021), https://www.huduser.gov/portal/pdredge/pdr_edge_frm_asst_sec_022312.html [<https://perma.cc/ETZ5-93PP>].

73. IND. HOUS. & COMTY. AUTH., STATE OF IND. 2020-2021 QUALIFIED ALLOCATION PLAN 1, 6 (2019), <https://www.in.gov/ihcda/files/Final-2020-2021-QAP.pdf> [<https://perma.cc/94K7-8V39>] [hereinafter IND. HOUS. & COMTY. AUTH.].

It is “a quasi-public financially self-sufficient statewide government agency.”⁷⁴ IHCDCA is overseen by a seven-member board of directors which includes the Lieutenant Governor, Treasurer, Public Finance Director from the Indiana Finance Authority, and four gubernatorial appointees.⁷⁵ The Governor appoints the chairman and vice-chairman of the board and also appoints the Executive Director who “serves at the pleasure of the Governor.”⁷⁶ IHCDCA is also subject to oversight by federal agencies to ensure program compliance.⁷⁷

IHCDCA’s mission is to “provide[] housing opportunities, promote[] self-sufficiency, and strengthen[] communities.”⁷⁸ To accomplish this mission, IHCDCA “promote[s], finance[s], and support[s] a broad range of housing solutions”⁷⁹ The LIHTC program is the primary way that affordable housing is built, renovated, and redeveloped in Indiana.⁸⁰ In 2019, the IHCDCA awarded \$31.5 million to thirty-seven developments through the LIHTC program.⁸¹ Each state develops its own Qualified Allocation Plan (QAP) through a housing credit agency to decide which proposals get the tax credit awards.⁸² IHCA revises the QAP every two years to outline the goals and the threshold and scoring criteria.⁸³

The IHCDCA establishes “set-aside categories” within the QAP to achieve housing goals in Indiana.⁸⁴ Each application for a LIHTC development must be for a particular set-aside category.⁸⁵ In 2020-2021, available credits were divided into categories and each category received ten percent of the share of credits: (1) Development by qualified not-for-profit organizations; (2) Stellar Community Designation; (3) Integrated housing—which served persons with intellectual and developmental disabilities; (4) Development location in a large city; (5) Development location in a small city; (6) Development location in a rural area; (7) Preservation of existing affordable housing; (8) Developments that added workforce housing; and (9) Developments that provided supportive housing to end homelessness.⁸⁶ The remaining ten percent of credits are allocated with “sole discretion” to “further IHCDCA’s mission, goal, initiatives, and priorities.”⁸⁷

The 2020-2021 Qualified Allocation Plan contained five categories of scoring

74. 2019 ANNUAL REPORT 4 (2019), <https://www.in.gov/ihcda/4045.htm> [<https://perma.cc/49L8-MRWD>].

75. *Id.* at 5.

76. *Id.*

77. *Id.* at 4.

78. *Id.*

79. *Id.* at 9.

80. *Id.* at 13-19.

81. *Id.* at 14.

82. NAT’L HOUS. CONF., LOW-INCOME HOUS. TAX CREDIT: THE BASICS, <https://nhc.org/policy-guide/low-income-housing-tax-credit-the-basics/> [<https://perma.cc/AS25-K224>].

83. IND. HOUS. & CMTY. DEV. AUTH., *supra* note 73, at 16.

84. *Id.* at 1.

85. *Id.*

86. *Id.*

87. *Id.* at 17.

criteria.⁸⁸ If an application satisfied all threshold requirements, then it was evaluated and scored based on the categories: (1) Rents charged; (2) Development Characteristics; (3) Sustainable Development Characteristics; (4) Financing & Market; and (5) Other.⁸⁹ The total number of points a development can receive under the plan was 148.⁹⁰ The majority of the points came from development characteristics (sixty-three points) and the “other” category (thirty-five points); the other three categories total fifty points combined.⁹¹

Within the development characteristics point allocation, there is an opportunity to earn points under the “Desirable Sites” criteria if a development is deemed to be “Location Efficient.”⁹² “The scoring category promotes [d]evelopments that provide nearby access to healthy food options, community facilities, services, healthcare and retail centers.”⁹³ To qualify for these points, the development must be within half a mile of at least three desirable sites from at least two types of developments, or within one mile of five desirable sites from at least two types of developments,⁹⁴ and a K-12 education facility is listed an option for a community facility.⁹⁵ To earn the full points in this category, one of the facilities must sell fresh produce.⁹⁶

Schools, however, play a small part in earning points in this category and the overall category is worth a maximum of only three points out of 148 possible points, or two percent.⁹⁷ Additionally, the quality of the school is not considered at all, only the proximity of any educational facility—even one that does not meet federal expectations—to the development.⁹⁸

The desirable sites category can also deduct from the development’s points. If the development is near an undesirable facility one point will be deducted per undesirable site.⁹⁹ In the 2020-2021 QAP, poor-performing schools are not considered undesirable sites.¹⁰⁰ The development can also lose one point from the opportunity index portion of the desirable sites category if the proposed site is in a Racially/Ethnically Concentrated Area of Poverty.¹⁰¹

Statewide, the schools near multi-unit LIHTC developments leave much to be desired. The median proficiency percentile rank for Math/English Language

88. *Id.* at 52.

89. *Id.*

90. *Id.*

91. *Id.*

92. *Id.* at 70.

93. *Id.*

94. *Id.* at 70-71.

95. *Id.* at 71.

96. *Id.* at 70-71.

97. *Id.* at 52, 70.

98. *Id.* at 70-71.

99. *Id.* at 73.

100. *Id.* at 74.

101. *Id.*

Arts at these schools was only 32 percent in 2016, which means that 78 percent of the schools in the state are performing higher than these schools.¹⁰² Additionally, the median percent free/reduced lunch at the school closest to the development was 63.7 percent which means the developments are placed in areas of concentrated poverty.¹⁰³

B. Housing Choice Voucher Program

The Housing Choice Voucher program provides rental assistance through federal funding for qualified low-income families and allows families to rent from the private market.¹⁰⁴ The vouchers are administered by local public housing agencies and a subsidy is paid directly to the landlord to cover the difference between what the tenant pays and the market rent for the unit.¹⁰⁵ The Department of Housing and Urban Development (HUD) provides funding for the subsidies.¹⁰⁶ “Since the demand for housing assistance often exceeds the limited resources available to HUD and the local housing agencies, long waiting periods are common.”¹⁰⁷

The local housing agency determines the amount of the subsidy based on “the amount generally needed to rent a moderately-priced dwelling unit in the local housing market.”¹⁰⁸ The family must pay 30 percent of its monthly adjusted gross income for rent and utilities, and if a family chooses a unit that has an above-market rent, they must pay the difference.¹⁰⁹ However, if the family chooses to move into an above-market rent unit, they may not pay more than 40 percent of their income by law.¹¹⁰ Capping the maximum rent at 30 percent (or 40 percent if choosing an above-market rent) keeps families from being rent-burdened (i.e., when a household “devote[s] a large share of income to rent”).¹¹¹ When an overly high percentage of a families’ income is spent on housing costs, it can “affect

102. INGRID GOULD ELLEN & KEREN HORN, POVERTY & RACE RESEARCH ACTION COUNCIL, HOUSING AND EDUCATIONAL OPPORTUNITY: CHARACTERISTICS OF LOCAL SCHOOLS NEAR FAMILIES WITH FEDERAL HOUSING ASSISTANCE, APPENDIX A: STATES 37 (2018) https://prprac.org/pdf/housing-schools_Appendix_A-State_Tables.pdf [<https://perma.cc/5BHL-BDAV>].

103. *Id.*

104. DEPT. OF HOUS. & URBAN DEV., HOUSING CHOICE VOUCHERS FACT SHEET https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/about/fact_sheet [<https://perma.cc/TJ4S-V6QR>].

105. *Id.*

106. *Id.*

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.*

111. THE FEDERAL RESERVE, *Assessing the Severity of Rent Burden on Low-Income Families*, FEDS NOTES (Dec. 22, 2017) <https://www.federalreserve.gov/econres/notes/feds-notes/assessing-the-severity-of-rent-burden-on-low-income-families20171222.htm> [<https://perma.cc/YF7Q-3LEG>].

[their] economic well-being and financial stability.”¹¹²

This program is relevant because families may use their vouchers in LIHTC developments.¹¹³ Notably, LIHTC developments cannot discriminate against prospective tenants because of their status as a holder, so voucher holders may use their vouchers in any LIHTC development with availability.¹¹⁴ Increasing the number of LIHTC family developments near high-quality schools will allow voucher holders to improve opportunities for their children without being rent-burdened.

Only 26.3 percent of the population in Marion County is Black, but the percentage of Black households waiting for housing choice vouchers in 2014 was 85.07 percent.¹¹⁵ Thus, deficiencies in affordable housing supply disproportionately impact Black families in the area.

III. EVALUATING RECENT FAMILY LOW-INCOME HOUSING TAX CREDIT DEVELOPMENTS IN THE GREATER INDIANAPOLIS AREA FOR ACCESS TO HIGH-QUALITY SCHOOLS

A. Greater Indianapolis Metropolitan Area

Evaluating the placement of LIHTC developments requires an understanding of the many greater Indianapolis metropolitan area school districts. The metropolitan area comprises eleven counties: Boone, Brown, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Putnam, and Shelby.¹¹⁶ Within these counties, in addition to Indianapolis, the greater Indianapolis metropolitan area includes several surrounding cities, such as Greenwood, Plainfield, Franklin, Greenfield, Brownsburg, Carmel, Noblesville, Westfield, Fishers, Avon, and Anderson.¹¹⁷

Due to the concessions made during the government consolidation plan, there are nine townships and eleven different school districts in Marion County.¹¹⁸ The town of Speedway and the City of Beech Grove were not consolidated into the unified government, so both the Beech Grove and the Speedway school districts remain independent.¹¹⁹ Additionally, each Marion County township, although

112. *Id.*

113. I.R.C. § 42 (h)(6)(B).

114. *Id.* § 42 (h)(6)(B)(iii).

115. CITY OF INDIANAPOLIS, ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE – DRAFT 77 (2014) <https://www.fhcci.org/wp-content/uploads/2018/12/Indianapolis-2014AnalysisOfImpediments-Draft.pdf> [<https://perma.cc/HLB5-UW89>].

116. MELISSA DOLIN, HOUSING MARKET PROFILES INDIANAPOLIS-CARMEL-ANDERSON I (U.S. Dep’t of Hous. & Urban Dev. 2016) <https://www.huduser.gov/portal/periodicals/USHMC/reg/IndianapolisIN-HMP-Jan16.pdf> [<https://perma.cc/4TA8-Y894>].

117. *Id.*

118. OWEN & WILLBERN, *supra* note 23, at 108-09.

119. *Id.*

consolidated as one city-county government, has its own independent school district.¹²⁰ Indianapolis Public Schools serves students primarily in Center Township.¹²¹ The other eight independent township school districts are Franklin Township Community School Corporation, Metropolitan School District of Wayne Township, Metropolitan School District of Perry Township, Metropolitan School District of Lawrence Township, Metropolitan School District of Pike Township, Metropolitan School District of Warren Township, Metropolitan School District of Washington Township, and Metropolitan School District of Decatur Township.¹²²

Most surrounding cities have their own school district. Greenwood, Brownsburg, Anderson, Carmel, Zionsville, Avon, Greenfield, Westfield, and Plainfield each have one school district serving the city. Hamilton Southeastern Schools serves all of Fishers, IN, and a portion of Noblesville, IN.¹²³ Noblesville Schools serves the remainder of Noblesville.

The median household income of the various cities changes significantly depending on the city you live in within the greater metropolitan area. In 2018, Indianapolis had a median household income of \$47,678.¹²⁴ Carmel (\$116,867), Fishers (\$105,042), and Zionsville (\$132,409), suburbs just north, report more than double the median income in the same year.¹²⁵ Westfield (\$93,002), Avon (\$91,587), Noblesville (\$77,717), Brownsburg (\$70,354), Plainfield (\$62,828), and Greenwood (\$62,025) vary but remain significantly higher than Indianapolis.¹²⁶

Although Anderson and Greenfield are included in the greater Indianapolis metropolitan area, sometimes called the Indianapolis-Carmel-Anderson Metropolitan Area, both cities are much further from Indianapolis than other cities in the area.¹²⁷ They both also have lower median household incomes

120. *Id.*

121. *Id.* at 108.

122. *Id.* at 108-09.

123. HAMILTON SOUTHEASTERN SCHOOLS, *Enrollment* <https://www.hseschools.org/about/enrollment> [<https://perma.cc/GV9H-3W6L>] (last visited March 14, 2021).

124. DATAUSA, *Indianapolis City (Balance)*, IN <https://datausa.io/profile/geo/indianapolis-city-balance-in> [<https://perma.cc/JQW2-7XCP>].

125. DATAUSA, *Carmel*, IN <https://datausa.io/profile/geo/carmel-in> [<https://perma.cc/LQE6-AZK8>]; DATAUSA, *Fishers*, IN <https://datausa.io/profile/geo/fishers-in> [<https://perma.cc/S7BH-TGBE>]; DATAUSA, *Zionsville*, IN <https://datausa.io/profile/geo/zionsville-in> [<https://perma.cc/AK7E-D6DY>].

126. DATAUSA, *Westfield*, IN <https://datausa.io/profile/geo/westfield-in> [<https://perma.cc/ZTA9-343Q>]; DATAUSA, *Noblesville*, IN <https://datausa.io/profile/geo/noblesville-in> [<https://perma.cc/KDT6-UULL3>]; DATAUSA, *Greenwood*, IN <https://datausa.io/profile/geo/greenwood-in> [<https://perma.cc/ZCN4-XYMH>]; DATAUSA, *Brownsburg*, IN <https://datausa.io/profile/geo/brownsburg-in> [<https://perma.cc/A46Q-NLCC>]; DATAUSA, *Avon*, IN <https://datausa.io/profile/geo/avon-in> [<https://perma.cc/P6W4-2MC5>]; DATAUSA, *Plainfield*, IN <https://datausa.io/profile/geo/plainfield-in> [<https://perma.cc/PE89-UCHG>].

127. DOLIN, *supra* note 116.

relative to other cities outside of Indianapolis (Anderson with \$47,436, and Greenfield with \$53,061).¹²⁸ Therefore, for the purposes of this note, the contiguous city school districts will be analyzed.

B. Evaluating Schools

In Appendix B, ratings are only listed for the neighborhood or boundary school for the family LIHTC development. Private and other select enrollment schools are not included. Within Indianapolis Public Schools, there are IPS Choice and Innovation school options that allow parents to apply to enroll their child in a school with a specialized curriculum, but those schools are assigned on a lottery system and they cannot accept everyone who applies.¹²⁹ Additionally, transportation might not be available to Choice and Innovation elementary and middle schools.¹³⁰ IPS guarantees transportation to all high schools and “most Choice schools for all students living in the Choice boundaries,” but families must reach out to Innovation schools to determine if transportation is offered.¹³¹ The only guaranteed school where a child has a spot is at their assigned IPS neighborhood school.¹³²

In Indiana, school districts receive two ratings, one from the federal accountability system and one from the Indiana accountability system.¹³³ The Indiana Department of Education assigns one of four federal ratings based on performance goals for the state: “Exceeds Expectations,” “Meets Expectations,” “Approaches Expectations,” and “Does Not Meet Expectations.”¹³⁴ The federal ratings are determined based on academic achievement, academic progress, closing achievement gaps, graduation rate, English language proficiency, strength of the diploma, and addressing chronic absenteeism.¹³⁵ Based on the points earned for each of those indicators, a school receives one overall rating which “reflect[s]

128. DATAUSA, *Anderson, IN* <https://datausa.io/profile/geo/anderson-city-puma-in> [<https://perma.cc/CMQ3-ASXR>]; DATAUSA, *Greenfield, IN* <https://datausa.io/profile/geo/greenfield-in> [<https://perma.cc/PE89-UCHG>].

129. MYIPS, *K-12 Choice Enrollment for the 2021-2022 School Year* https://myips.org/wp-content/uploads/2020/11/IPS_EnrollIndy_Overview_K-12_2021-22.pdf [<https://perma.cc/7Z9N-SA8G>].

130. *Id.*

131. *Id.*

132. *Id.*

133. Adam Baker, *Indiana Department of Education Releases Federal 2018-2019 School Accountability Ratings*, IND. DEPT. OF EDUC., (Jan. 3, 2020) <https://www.doe.in.gov/news/indiana-department-education-releases-federal-2018-2019-school-accountability-ratings> [<https://perma.cc/A7QK-C9DP>].

134. IND. DEPT. OF EDUC, *FEDERAL RATINGS: HOW ARE THEY DETERMINED?* <https://www.doe.in.gov/sites/default/files/accountability/determining-federal-ratings.pdf> [<https://perma.cc/5676-BL7D>].

135. *Id.*

a school's achievement with respect to performance goals for the [s]tate."¹³⁶

This note uses the federal accountability ratings rather than the state grades from the Indiana accountability system for two reasons: (1) the federal ratings reflect long-term performance goals, and (2) the federal ratings offer greater clarity on performance. State policy "allows elementary and middle schools three years old or less to base their A-F accountability calculation on students' academic growth on [state assessments] alone, instead of growth *and* pass rates on the exam"; therefore, newer school state ratings do not adequately portray student achievement.¹³⁷

C. Quality of Schools Near Recent Family Low-Income Housing Tax Credit Developments

The Poverty and Race Research Action Council issued a report on median school metrics for schools closest to LIHTC tenants in 2016.¹³⁸ In the Indianapolis-Carmel-Anderson metropolitan statistical area, the median proficiency percentile rank for Math and English language arts was only 23 percent for these schools.¹³⁹ Additionally, the median percent of free/reduced-price lunch students at the schools closest to the LIHTC family developments was 71 percent.¹⁴⁰ This means nearly three-quarters of the students at those schools were low-income, a significant concentration of poverty. Conversely, the median student proficiency for all households in the area was 50 percent and the median percent free/reduced lunch population was 42.6 percent, a staggering difference from the schools closest to the LIHTC developments.¹⁴¹

Forty-four LIHTC family developments were approved in the greater Indianapolis Metropolitan area from 2008 to 2020.¹⁴² Of the forty-four developments, the vast majority were placed directly in Indianapolis—thirty-two of the forty-four, or seventy-five percent.¹⁴³ The remaining included one in Brownsburg, one in Fishers, two in Greenfield, three in Greenwood, one in Noblesville, two in Plainfield, and two in Westfield.¹⁴⁴ There were no LIHTC

136. *Id.* at 3.

137. Eric Weddle, *Most A-Rated IPS Schools are Independent of District Policies*, WFYI INDIANAPOLIS (Oct. 5, 2017) <https://www.wfyi.org/news/articles/most-a-rated-ips-schools-are-independent-of-district-policies> [<https://perma.cc/76QM-5JP6>].

138. INGRID GOULD ELLEN & KEREN HORN, POVERTY & RACE RESEARCH ACTION COUNCIL, HOUSING AND EDUCATIONAL OPPORTUNITY: CHARACTERISTICS OF LOCAL SCHOOLS NEAR FAMILIES WITH FEDERAL HOUSING ASSISTANCE, APPENDIX B: METROPOLITAN AREAS 115 (2018) https://prrac.org/pdf/housing-schools_Appendix_B-Metropolitan_Areas.pdf [<https://perma.cc/7GUU-GF8V>].

139. *Id.*

140. *Id.*

141. *Id.*

142. *See infra* Appendix B (displaying the family developments awarded LIHTC awards in the greater Indianapolis Metropolitan area from 2008-2020).

143. *Id.*

144. *Id.*

family developments placed in Carmel or Avon in the twelve-year span.¹⁴⁵ The percentage of LIHTC family developments built in Marion County does not follow the overall construction trend in the area, as 60 percent of apartments between 2011 and 2019 were built in Hamilton County, which includes Carmel, Fishers, Noblesville, and Westfield.¹⁴⁶ In this time, only twenty percent of apartments were built in Marion County, representing a significant need for a greater portion of the LIHTC family developments to be placed in Hamilton County generally.¹⁴⁷

Within Marion County, the vast majority of developments have been placed in the Indianapolis Public Schools District.¹⁴⁸ Marion County has eleven different public-school districts, yet outside of Indianapolis Public Schools, only Brownsburg Community School Corporation, Metropolitan School District of Perry Township, and Franklin Township Community School Corporation received a single-family LIHTC development from 2008 to 2020.¹⁴⁹ Twenty-eight developments were placed in the Indianapolis Public Schools District in the same time period.¹⁵⁰

Of the twenty-eight developments placed in the Indianapolis Public Schools District from 2008 to 2020, not one of the IPS neighborhood schools “Meets Expectations” for the federal school rating.¹⁵¹ Conversely, the Perry Township school “Meets Expectations,” the Hamilton Southeastern school “Meets Expectations,” the Franklin Township school “Meet Expectations,” the Clark-Pleasant Community School Corporation school “Meet Expectations,” the Center Grove School District school “Meet Expectations,” and the Brownsburg school “Exceeds Expectations.”¹⁵²

Out of the forty-four developments built in the greater Indianapolis Metropolitan area, twenty-six developments were built near a neighborhood school that “Does Not Meet Expectations.”¹⁵³ The majority have received a “Do Not Meet Expectations” rating for several years, which means children who attend those schools fall further behind their peers each year.¹⁵⁴ This is simply a

145. *Id.*

146. DOLIN, *supra* note 116.

147. *Id.*

148. *See infra* Appendix B (displaying the family developments awarded LIHTC awards in the greater Indianapolis Metropolitan area from 2008-2020).

149. IND. DEP’T OF ED. INVIEW, *inview.doe.in.gov* [<https://perma.cc/HQ3Q-NTXP>]; *see infra* Appendix B (displaying the school districts of the family developments awarded LIHTC awards in the greater Indianapolis area since 2008).

150. *See infra* Appendix B (displaying the school districts of the family developments awarded LIHTC awards in the greater Indianapolis area since 2008).

151. *Id.*

152. *Id.*

153. *See infra* Appendix B (displaying the school districts and federal accountability ratings of the family developments awarded LIHTC awards in the greater Indianapolis area since 2008).

154. *Id.*

bad investment of federal dollars. Taxpayers should not set students up for failure by funding family developments built overwhelmingly near underperforming schools.

Moreover, because nearly 60 percent of the LIHTC family housing stock was built in an attendance zone of an underperforming neighborhood school that “Does Not Meet Expectations,” most low-income families are forced to choose between finding an affordable place to live and pursuing a quality education for their children.¹⁵⁵ Reform to Indiana’s Qualified Allocation Plan is necessary.

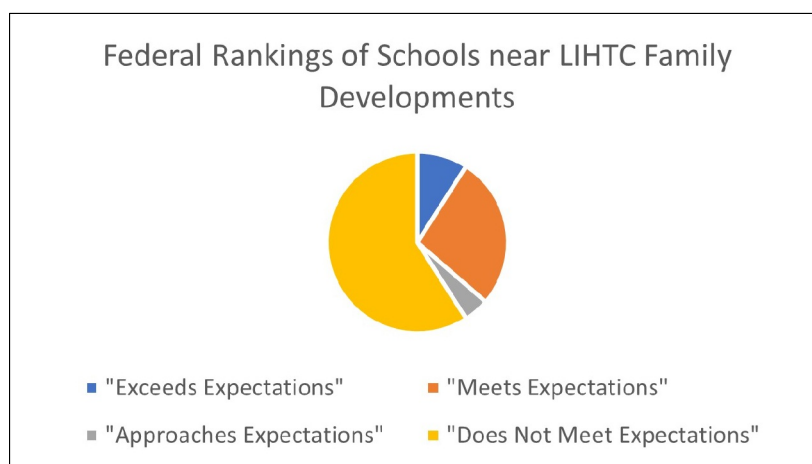


Figure 2: Federal Rankings of Schools near LIHTC Family Developments (by Author)¹⁵⁶

IV. REFORMING INDIANA’S QUALIFIED ALLOCATION PLAN FORMULA TO INCENTIVIZE DEVELOPMENT IN LOW-POVERTY AREAS WITH HIGH-QUALITY SCHOOLS

Reforming the Low-Income Housing Tax Credit Program offers opportunities to increase access to high-quality schools through the affordable housing supply. To encourage using federal housing subsidy money to put families near high performing schools, Indiana’s QAP should: (1) add a threshold requirement requiring LIHTC family developments to have access to a high-quality school; (2) revise the desirable sites category to incentivize high-quality schools; (3) utilize the general set-aside for awarding tax credits for family developments near high-quality schools; and (4) remove the local zoning approval letter.

155. See generally Appendix B (showing that of the forty-four schools, twenty-six “Do Not Meet Expectations”).

156. See generally Appendix B.

A. Threshold Requirement for Access to High-Quality Schools

Given the lack of affordable housing built near high-quality schools and the widening achievement gap in Indiana, access to high-quality schools should be added as an absolute threshold requirement for all LIHTC family developments. The threshold requirements must be satisfied by all applicants to be considered for the tax credits.¹⁵⁷ A family development should never be placed in an area with an underperforming school and adding this threshold requirement would prevent developments from being awarded tax credits if they are near one. As demonstrated in Part III, there are many areas in the greater Indianapolis metropolitan area with high-quality schools that should be prioritized for LIHTC family developments rather than continuing to concentrate affordable housing for families near underperforming schools.

If it is not politically feasible to mandate placement near high-performing schools, a development should not be built near poor-performing schools without specific mitigation efforts in place to support student academic success. The IHCD should ensure that students are set up for success by requiring additional services for families if the development is not built near a high-performing school.

Texas, for example, in the 2020 QAP, required an applicant to disclose significant neighborhood risks. A poor performing school is a required disclosure:

[If] the Development Site is located within the attendance zone of an elementary school, a middle school or a high school that has a 2019 TEA Accountability Rating of D and a 2018 Improvement Required Rating or a 2019 TEA Accountability Rating of F and a 2018 Met Standard Rating by the Texas Education Agency.¹⁵⁸

Further, if the applicant proposes a site near such a school, they must document mitigation efforts to remedy the negative impact of an underperforming school.¹⁵⁹ This includes a provision that requires the developer to enter into an agreement that if the district or school has not achieved a rating of “A”, “B”, or “C” when the development opens, the developer must offer an on site, no-cost early childhood pre K program and an on-site “after school learning center that offers at a minimum fifteen hours weekly” at no cost to residents of the proposed development.¹⁶⁰

The IHCD should require mitigation similar to Texas’ QAP and put a system in place to monitor the mitigation efforts. Mitigation deters developers from building in areas with poor-performing schools because they have additional

157. IND. HOUS. & COMTY. AUTH., *supra* note 73.

158. TEXAS DEP’T OF HOUS. & COMM. AFFAIRS, 2020 QUALIFIED ALLOCATION PLAN 78 (2020), <https://www.tdca.state.tx.us/multifamily/docs/20-QAP-GovApproved-AsReceived.pdf> [<https://perma.cc/9NRW-WHXH>].

159. *Id.* at 81.

160. *Id.* at 82.

costs if the school does not improve. If developers are not in compliance with the mitigation efforts, they should be held accountable through recapture of the tax credits earned for the development.

B. Revising the Desirable Sites Development Category

The desirable sites scoring should be reformed to include specific criteria to allocate points based on access to high-quality schools. In the 2020-2021 QAP, proximity to any education facility was included in the formula, which could include an underperforming K-12 school, and the formula did not specify that the school be open-enrollment.¹⁶¹ Further, a development could score points for proximity to a post-secondary facility, but no K-12 school.¹⁶² This must be revised to incentivize proximity to high-performing K-12 schools.

Massachusetts incentivizes high-performing schools within its QAP with a high point value, and awards “[u]p to 8 points for [the] strength of [the] public school system.”¹⁶³ Specifically, the points for family developments are awarded based on the state testing data.¹⁶⁴ Based on the percentage of 10th grade students that are proficient at that school, developments may earn two, four, six, or eight points.¹⁶⁵ Schools that have 75 percent or above proficient earn two points, 80 percent or above earn four points, 85 percent or above earn six points, and 90 percent or above earn eight points.¹⁶⁶

Georgia also incentivizes sites near high-performing K-12 schools.¹⁶⁷ The 2021 QAP specifies that applications may earn up to three points for schools that do not have selective admission, do not have district-wide enrollment (unless it is the only school in the district), and meet one of two performance metrics.¹⁶⁸ The school may either score “above average” on the “College and Career Readiness Performance Index” or receive a 2019 or 2020 “‘Beating the Odds’ designation.”¹⁶⁹

New Jersey offers three points to projects located in school districts “wherein 40 percent or more of the students are either meeting expectations (Level 4) or exceeding expectations (Level 5) on the Grade 4 Partnership for Assessment of Readiness for College and Careers (PARCC) assessment in both math and

161. IND. HOUS. & COMTY. AUTH., *supra* note 73, at 71.

162. *Id.* at 72.

163. COMMONWEALTH OF MASS. DEP’T OF HOUS. & CMTY. DEV., 2020-2021 QUALIFIED ALLOCATION PLAN, 50 (2019), <https://www.mass.gov/doc/2020-2021-qap-low-income-housing-tax-credit-qualified-allocation-plan-qap/download> [<https://perma.cc/WV6C-SSF4>].

164. *Id.*

165. *Id.*

166. *Id.*

167. STATE OF GA., 2021 QUALIFIED ALLOCATION PLAN 10, <https://www.novoco.com/sites/default/files/atoms/files/georgia-lihtc-qap-2021-board-approved-11182020.pdf> [<https://perma.cc/Q5N2-5TXS>].

168. *Id.*

169. *Id.* at 10-11.

language arts.”¹⁷⁰ The QAP specifies that the points would be allocated based on the New Jersey Department of education data as of the application deadline.¹⁷¹ Data from both the preceding year and the calendar year of the application may be used.¹⁷²

Pennsylvania’s QAP awards two points for developments in high-performing school districts: “The Agency may award up to two [] points to those developments located in a school district whose senior high school scores the following Building Level Academic Score set forth in the Pennsylvania State Performance Profile”¹⁷³ A development earns more points for higher academic outcomes. If the school performs at 70 to 80 percent then the development earns one point, and if the school scores above 80 percent then the development earns two points.¹⁷⁴

Connecticut utilizes the GreatSchools District Ratings to allocate points for high-performing schools.¹⁷⁵ In the 2020 QAP, proposed developments could earn two points for “Above Average Performing Schools” and one point for “Average Performing schools.”¹⁷⁶ Notably, access to higher education is a separate point category, unlike Indiana’s 2020-2021 QAP.

The City of New York offers three points in “High-Opportunity Neighborhoods” and awards points to “[p]rojects located in any of the following areas . . . high-performing schools, low-crime, or less than 10 [percent] poverty.”¹⁷⁷ There is no stated metric, however, for how to evaluate whether a school is high-performing.

State housing finance authorities argue that an obstacle for including school performance as a metric for awarding points is that it is challenging to “access[] consistent and reliable school data.”¹⁷⁸ However, Texas, Massachusetts, Georgia, New Jersey, Pennsylvania, and Connecticut each present a template for utilizing

170. N.J., 2019-2020 DRAFT QAP, 51 (2018), https://www.novoco.com/sites/default/files/atoms/files/new_jersey_2019-2020_draft_qap_111918.pdf [<https://perma.cc/XBQ5-C2UQ>].

171. *Id.* at 51-52.

172. *Id.* at 52.

173. PA. HOUS. FIN. AGENCY, ALLOCATION PLAN FOR PROGRAM YEARS 2019-2020 23, https://www.novoco.com/sites/default/files/atoms/files/pennsylvania_2019_final_qap_071218.pdf [<https://perma.cc/4WHC-SMHW>].

174. *Id.*

175. CONN. HOUS. FIN. AUTHORITY, LOW-INCOME HOUSING TAX CREDIT QUALIFIED ALLOCATION PLAN 2020 APPLICATION YEAR 17 (2020), <https://www.novoco.com/sites/default/files/atoms/files/connecticut-lihtc-qap-2020-final.pdf> [<https://perma.cc/TE8P-9RKT>].

176. *Id.*

177. CITY OF N.Y. DEPT. OF HOUS. PRESERVATION & DEV., 2020 LOW INCOME HOUSING TAX CREDIT QUALIFIED ALLOCATION PLAN 19 (2020) <https://www1.nyc.gov/assets/hpd/downloads/pdfs/services/2020-qualified-allocation-plan.pdf> [<https://perma.cc/3GCD-4MN4>].

178. FREDDIE MAC MULTIFAMILY NATIONAL HOUSING TRUST, SPOTLIGHT ON UNDERSERVED MARKETS 10, https://mf.freddiemac.com/docs/Opportunity_Incentives_in_LIHTC_Qualified_Allocation_Plans.pdf [<https://perma.cc/4U4W-75ZP>].

various data points to include school performance in their QAPs. The Indiana Department of Education provides two accountability ratings that would allow the IHEDA to award development points based on the proximity to a high-quality school.¹⁷⁹

Moreover, Indiana's 2014-2015 QAP included an explicit provision for proximity to high-quality schools with a "relatively high point value[]" compared to other states—up to eight points.¹⁸⁰ To earn the points, the QAP required "proximity to at least [one] assigned public K-12 school with a rating of 'A' or 'exemplary' or equivalent according to the most recent accounting from the IN Dept. of Education."¹⁸¹ The state was previously able to utilize these state ratings and should implement a system that will allow it to do so again.

Five years later, not only was the focus on quality of schools removed, but also the point value for schools was dramatically lower. In Indiana's 2020-2021 QAP, the education facility provision is a small subsection of another small point value category for the overall points used to determine which developments get funded.¹⁸² Of the total 148 points available for a proposed development to earn, "location efficient projects" are only worth three points—2 percent of the overall total.¹⁸³ To earn points in that category, there are twenty-seven types of facilities and services that can be considered.¹⁸⁴ Therefore, being close to a school of any type is negligible within Indiana's formula and even if the development is close to a K-12 public school, the quality is not considered.

The formula should be revised to include a separate category for access to public K-12 schools that are explicitly high-performing, and it should not be combined with other amenities. A return to the 2014-2015 QAP language is ideal. However, if the desirable sites category is kept as one large category, the point system should be shifted to grant a much higher number of points to developments that prioritize developments in high opportunity areas.

Additionally, the undesirable sites formula should be revised to include a point deduction for proposing a development in the attendance zone of a school with a "Does Not Meet Expectations" federal rating. Indiana's QAP includes point deductions for other undesirable features and enduring attendance at an underperforming school is certainly an undesirable feature that should be considered.¹⁸⁵

179. *Id.*

180. POVERTY & RACE RESEARCH ACTION COUNCIL, BUILDING OPPORTUNITY II: CIVIL RIGHTS BEST PRACTICES IN THE LOW INCOME HOUSING TAX CREDIT PROGRAM 7 (2015) <https://www.prrac.org/pdf/BuildingOpportunityII.pdf> [<https://perma.cc/M2MV-2MXG>].

181. *Id.*

182. IND. HOUS. & COMTY. AUTH., *supra* note 173, at 70-71.

183. *Id.*

184. *Id.*

185. *Id.* at 73.

C. General Set Aside

If changes to the threshold requirements or the scoring for desirable sites are not revised for all family developments, the IHCDAs should at the very least use the general set-aside to increase access to high-quality schools. The set aside is “for developments that further IHCDAs’s mission, goals, initiatives, and priorities irrespective of the ranking by the evaluation factors.”¹⁸⁶ IHCDAs exercise sole discretion in the use of the general credits and the credits comprise 10 percent of the annual credits.¹⁸⁷ The stated mission is to “provide housing opportunities, promote self-sufficiency, and strengthen communities.”¹⁸⁸ These credits should be used to build developments in areas with access to high-quality schools to disrupt the achievement gap between high income and low-income students. Building housing in areas with access to high-quality schools promotes self-sufficiency for students growing up in those areas and strengthens communities.

Pennsylvania’s QAP reserves a portion of the credits each year for areas of opportunity in suburban and rural areas that are candidates for economic growth.¹⁸⁹ To receive these credits the development must be near high-performing schools:

The Agency will reserve Tax Credits to, at a minimum, three (3) developments which expand housing opportunities and design choices in areas suitable for long-term economic growth with an existing or planned infrastructure to support future growth in the area, in order to promote mixed-use and/or mixed-income development within a community setting. These developments will be located in areas of strong schools and employment opportunities and in communities which may have not received representative resources in the past.¹⁹⁰

Indiana’s general set-aside could reserve credits using a similar model, but the term “strong schools” should be more clearly defined. Along with other reforms, an additional change to the QAP is needed to increase access to high opportunity areas—the required documentation for local zoning.

D. Required Documentation for Local Zoning

Inclusionary zoning promotes the creation of mixed-income developments with affordable living units in high opportunity neighborhoods.¹⁹¹ “Neighborhoods which are ethnically and economically integrated provide greater

186. *Id.* at 17.

187. *Id.*

188. *Id.* at 7.

189. PA. HOUS. FIN. AGENCY, *supra* note 173, at 6.

190. *Id.* at 8.

191. FAIR HOUS. CTR. OF CENT. IND., ENSURING FAIR AND AFFORDABLE HOUSING THROUGH ZONING FACT SHEET #14 2 (2017), <https://www.fhcci.org/wp-content/uploads/2014/07/FHCCI-FS-14-Affordable-Housing.pdf> [<https://perma.cc/DTB8-6NNN>].

opportunity for creating a diverse work force and more diverse and vibrant communities.”¹⁹² Building LIHTC developments in higher-income areas with good schools will help to create more diverse communities.

Yet the Qualified Allocation Plan requires: “A letter from the appropriate authorized government official (e.g., zoning commission) that describes the Development location and certifies that the current zoning allows for construction and operation of the proposed Development without the need for additional variance.”¹⁹³ This addition to the requirement means it is less likely that developments will be built in high opportunity areas that are resistant to affordable housing.

Provisions like this are common in QAPs and add challenges for developers trying to build affordable housing in higher-income communities. Due to these challenges, in 2017, both a House and a Senate bill were reintroduced with bipartisan support to prohibit states from including local approval in their QAPs.¹⁹⁴ A hearing focusing on the local zoning requirements within the LIHTC program was held before the United States Senate Committee on Finance.¹⁹⁵ A developer from Texas served as a witness in the hearing and supported the Senate bill prohibiting special local approval: “This will ensure that if the zoning allows it, an affordable project will be treated just like any other development.”¹⁹⁶ The witness highlights that a process that requires a special review process “oftentimes results in community opposition.”¹⁹⁷

The President and CEO of the National Low Income Housing Coalition, Diane Yentel, underscores the importance of eliminating provisions of this type—“One of the biggest obstacles . . . in building affordable housing in higher-income, higher-opportunity neighborhoods is local opposition.”¹⁹⁸ In addition to revising Indiana’s QAP to explicitly address access to high-quality schools, the local zoning requirement should be eliminated in order to make it easier to ensure developments are approved in higher-income areas.

192. *Id.*

193. IND. HOUS. & CMTY. DEV. AUTH., *supra* note 73, at 25.

194. Affordable Housing Credit Improvement Act of 2017, H.R. 166, 115th Cong. (2017); Affordable Housing Credit Improvement Act of 2017, S. 548, 115th Cong. (2017).

195. America’s Affordable Housing Crisis: Challenges and Solutions Hearing Before the Comm. On Finance United States Senate, 115th Cong. (2017), *available at* <https://www.govinfo.gov/content/pkg/CHRG-115shrg30902/html/CHRG-115shrg30902.htm> [<https://perma.cc/2GSZ-S7TM>].

196. *Id.* at 14.

197. *Id.* at 57.

198. John Eligon et al, *Program to Spur Low-Income Housing is Keeping Cities Segregated*, THE NEW YORK TIMES (July 2, 2017), <https://www.nytimes.com/2017/07/02/us/federal-housing-assistance-urban-racial-divides.html> [<https://perma.cc/FE24-NXSB>].

E. Collective Benefits

Overall, “neighborhoods shape children’s long-run life chances”¹⁹⁹ and schools within those neighborhoods play a significant role. If a child attends an underperforming school, they are more likely to be unemployed, experience job instability, perform poorly in college, and have decreased lifetime earning potential.²⁰⁰ More broadly, poor education limits the potential of the economy because of decreased lifetime earnings resulting in decreased production, growth, and innovation.²⁰¹

Building affordable housing near high-performing schools in higher-income areas has wide-reaching benefits. Generally, providing families “assistance in moving to lower-poverty neighborhoods has substantial benefits for the families themselves and for taxpayers.”²⁰² Integration efforts to promote “mixed-income communities are likely to reduce the persistence of poverty across generations.”²⁰³ The benefits are maximized when children are exposed to lower-poverty areas.²⁰⁴ Notably, promoting mixed-income communities is “likely to reduce government expenditure while increasing children’s future earnings substantially.”²⁰⁵

Furthermore, attending schools with a higher average socio-economic status improves college performance. One study found that “holding student characteristics constant, higher-performing [college] students attended high schools with higher average [socio-economic status].”²⁰⁶ “Subsidized housing is costly but urgently needed and should be built where there are strong and diverse schools, not in locations where the schools are ‘dropout factories’ offering students little chance of preparing for the postsecondary education necessary to advance to the middle class.”²⁰⁷

199. INGRID GOULD ELLEN & KEREN HORN, POVERTY & RACE RESEARCH ACTION COUNCIL, HOUSING AND EDUCATIONAL OPPORTUNITY: CHARACTERISTICS OF LOCAL SCHOOLS NEAR FAMILIES WITH FEDERAL HOUSING ASSISTANCE I (2018), <https://www.prrac.org/pdf/HousingLocationSchools2018.pdf> [<https://perma.cc/EXA3-C2TR>].

200. OECD, EQUITY AND QUALITY IN EDUCATION: SUPPORTING DISADVANTAGED STUDENTS AND SCHOOLS 25 (OECD Publishing 2012), <https://www.oecd.org/education/school/50293148.pdf> [<https://perma.cc/W7SR-A7PF>].

201. *Id.*

202. RAJ CHETTY ET AL., THE EFFECTS OF EXPOSURE TO BETTER NEIGHBORHOODS ON CHILDREN: NEW EVIDENCE FROM THE MOVING TO OPPORTUNITY EXPERIMENT 41 (Harvard Univ. & NBER eds., 2015), https://scholar.harvard.edu/files/hendren/files/mto_paper.pdf [<https://perma.cc/QR2C-QGW5>].

203. *Id.* at 41.

204. *Id.* at 40-41.

205. *Id.* at 37.

206. Sandra E. Black et al., *Can You Leave School Behind*, UNIV. OF TEX. 16 (2012), https://law.utexas.edu/wp-content/uploads/sites/25/black-can_you_leave_high_school_behind.pdf [<https://perma.cc/PZX2-ZMLC>].

207. GARY ORFIELD & DANIELLE JARVIE, BLACK SEGREGATION MATTERS SCHOOL

Because Black and Latinx students in the greater Indianapolis area are more likely to attend lower performing schools and more likely to need affordable housing, there are significant benefits for building developments near high-performing schools. For students of color, attending better K-12 schools increases the likelihood of college success. A study on the achievement gap for minority students looked at high school ratings for students of color compared to their white peers at four universities in Texas.²⁰⁸ An achievement gap existed, and students of color were at a disadvantage.²⁰⁹ “However, after controlling for high school fixed effects, . . . the racial gap disappeared and, at some institutions, minority students actually achieved higher average first semester grade point averages than white students from the same high schools.”²¹⁰

In our increasingly multi-cultural society, “skills in working and living successfully in multiracial institutions are a vital asset.”²¹¹ It is advantageous for both white students and students of color to attend diverse schools because “[t]hese skills are learned, mostly through experience, and are extremely difficult to acquire living in segregated communities and attending segregated, concentrated-poverty schools.”²¹² Our economy is stronger when people of all races learn “how to better understand and relate to other groups[,]” because these skills are “highly valued by employers in our diverse society and markets.”²¹³

CONCLUSION

The benefits of attending a high-quality school are clear. To bolster our economy and ensure that all citizens have the opportunity to participate meaningfully in the workforce, the government has a duty to ensure all children have access to a quality education. Building government subsidized housing near high-performing schools is a smart investment in our collective future. Further, there is a clear link between historic, government sanctioned segregation and present-day access to high-performing schools for Black and Latinx students in the Indianapolis metropolitan area. The state government should rectify the segregated school system in the greater Indianapolis area through the Low-Income Housing Tax Credit Program with a revision to the Qualified Allocation Plan.

Specifically, the Indiana Housing and Community Development Authority should implement a threshold requirement that all LIHTC family developments

RESEGREGATION AND BLACK EDUCATIONAL OPPORTUNITY 36 (2020), <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/black-segregation-matters-school-resegregation-and-black-educational-opportunity/BLACK-SEGREGATION-MATTERS-final-121820.pdf> [<https://perma.cc/9E3A-5KDM>].

208. *See generally* Black, *supra* note 206 (providing the details of the study).

209. *Id.* at 5

210. *Id.*

211. ORFIELD & JARVIE, *supra* note 207, at 35.

212. *Id.*

213. *Id.* at 36.

be near high-performing schools. If a development is not near a high-performing school, mitigation efforts must be financed by the developer with tax credit recapture as a possible consequence for lack of oversight. Revising the desirable site category to bring back points for access to a high-performing K-12 public school is a must if the threshold provision is not added, and the number of points available must increase. Additionally, the general set aside portion of credits should be used to grant developments near high-performing schools. Local zoning approval must also be eliminated to reduce barriers to development in higher income areas.

To maximize the benefits of improving access to high-performing schools for family with young children, the state must make these changes now. The sooner children live near high-performing schools, the sooner the achievement gap will fall. Indiana can and should make these changes for the 2023-2024 Qualified Allocation Plan.

APPENDIX A: GREATER INDIANAPOLIS METROPOLITAN AREA DEMOGRAPHICS
AND INTERDISTRICT DISPARITIES²¹⁴

Sch. Dist.	State Grade	% Econ. Disad.	% Asian	% Black/Afri. Am.	% Hawaiian or Pac. Islander	% Hispanic	% Multi racial	% Native Am.	% White
IPS ²¹⁵	D	65.4	0.7	40.3	0.0	31.8	5.4	0.1	21.7
MSD Wash. Twp. ²¹⁶	C	53.7	3.6	41.0	0.0	20.4	6.0	0.1	28.8
Beech Grove City Schs. ²¹⁷	C	58.3	0.9	12.8	0.0	11.0	9.4	0.1	65.9
Sch. Town of Speedway ²¹⁸	A	53.4	4.9	28.5	0.1	18.7	6.4	0.1	41.3

214. *WELCOME TO INVIEW*, IND. DEP'T OF ED., inview.doe.in.gov [<https://perma.cc/Y5R9-PE7H>] (this is a dynamic database where each school was searched separately, the citations *infra* will have the link to that particular school).

215. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053850000/profile> [<https://perma.cc/F9QA-64WJ>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053850000/population> [<https://perma.cc/G5GY-YBXY>].

216. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053700000/profile> [<https://perma.cc/CQS2-C8RU>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053700000/population> [<https://perma.cc/LRE2-7LUB>].

217. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053800000/profile> [<https://perma.cc/C3XJ-4BLA>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053800000/population> [<https://perma.cc/2FDM-FS3H>].

218. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1054000000/profile> [<https://perma.cc/WC97-LXWU>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1054000000/population> [<https://perma.cc/FM6T-LZAH>].

Franklin Twp. Cmty. Sch. Corp. ²¹⁹	A	42.7	10.5	9.7	0.1	8.7	6.5	0.2	64.2
MSD of Wayne Twp. ²²⁰	C	66.9	0.6	37.5	0.1	29.7	5.8	0.2	26.1
MSD of Perry Twp. ²²¹	B	71.0	30.9	8.6	0.0	15.9	5.0	0.1	39.4
MSD of Lawrence Twp. ²²²	C	63.8	1.0	44.7	0.1	27.4	7.1	0.1	19.7
MSD of Pike Twp. ²²³	B	65.8	1.8	60.9	0.0	24.3	5.3	0.0	7.7
MSD of Warren Twp. ²²⁴	C	62.4	0.5	54.8	0.1	17.6	7.9	0.1	18.9

219. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053100000/profile> [<https://perma.cc/G2NR-TVF4>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053100000/population> [<https://perma.cc/859H-NJNT>].

220. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053750000/profile> [<https://perma.cc/59L6-NW55>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053750000/population> [<https://perma.cc/6LHF-EJAN>].

221. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053400000/profile> [<https://perma.cc/B25P-BK5Y>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053400000/population> [<https://perma.cc/8NE7-QAUL>].

222. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053300000/profile> [<https://perma.cc/FK8G-M6EC>]; <https://inview.doe.in.gov/corporations/1053300000/population> [<https://perma.cc/5H2D-M3S4>].

223. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053500000/profile> [<https://perma.cc/HCN5-3ZZS>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053500000/population> [<https://perma.cc/QAM4-7K6V>].

224. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053600000/profile> [<https://perma.cc/6TCZ-ER5X>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053600000/population> [<https://perma.cc/R2DX-RQ8Y>].

MSD of Decatur Twp. ²²⁵	C	58.6	0.7	18.7	0.1	13.4	6.9	0.3	60.1
Greenwood Cmty. Sch. Corp. ²²⁶	A	48.2	4.0	4.7	0.1	9.5	6.7	0.1	75.0
Brownburg Cmty. Sch. Corp. ²²⁷	A	24.9	3.0	13.7	0.1	7.1	6.0	0.1	70.0
Hamilton S.E. Schs. ²²⁸	A	15.0	8.0	7.8	0.1	7.8	5.9	0.2	70.2
Carmel Clay Schs. ²²⁹	A	10.6	15.3	3.5	0.2	3.5	6.9	0.1	70.6

225. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053000000/profile> [<https://perma.cc/YJ77-6URL>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1053000000/population> [<https://perma.cc/5ZRB-KSNR>].

226. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1042450000/profile> [<https://perma.cc/3NXR-HGS2>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1042450000/population> [<https://perma.cc/ZHV9-E2AC>].

227. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1033050000/profile> [<https://perma.cc/U2N2-V2A4>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1033050000/population> [<https://perma.cc/P2ZJ-FUVU>].

228. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1030050000/profile> [<https://perma.cc/X6F3-HUJF>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1030050000/population> [<https://perma.cc/D9EA-KMRK>].

229. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1030600000/profile> [<https://perma.cc/3TCG-QRBZ>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1030600000/population> [<https://perma.cc/ZU65-A8XB>].

Anderson Cmty. Sch. Corp. ²³⁰	C	72.8	0.3	21.7	0.0	15.2	10.2	0.0	52.6
Zionsville Cmty. Schs. ²³¹	A	5.4	5.9	2.2	0.1	4.8	5.3	0.1	81.5
West- field- Wash. Schs. ²³²	A	14.7	2.8	4.0	0.0	8.5	5.1	0.2	79.3
Plainfield Cmty. Sch. Corp. ²³³	A	27.4	3.1	5.0	0.0	5.9	4.8	0.0	81.2
Avon Cmty. Sch. Corp. ²³⁴	B	33.4	5.4	17.3	0.0	10.2	6.5	0.1	60.4

230. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1052750000/profile> [<https://perma.cc/8CGK-UBC4>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1052750000/population> [<https://perma.cc/6UNF-ELJU>].

231. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1006300000/profile> [<https://perma.cc/Y7TJ-5DGY>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1006300000/population> [<https://perma.cc/4US2-Y58W>].

232. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1030300000/profile> [<https://perma.cc/66V5-SMB5>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1030300000/population> [<https://perma.cc/QX78-4TKZ>].

233. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1033300000/profile> [<https://perma.cc/38F9-XS5Q>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1033300000/population> [<https://perma.cc/25JY-WMHE>].

234. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1033150000/profile> [<https://perma.cc/V7QR-GYAV>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1033150000/population> [<https://perma.cc/L4JC-HGXJ>].

Greenfield-Cent. Cmty. Schs. ²³⁵	B	34.6	0.8	0.7	0.0	3.1	4.4	0.2	90.8
Noblesville Schs. ²³⁶	A	22.2	2.6	4.2	0.2	7.5	3.4	0.2	81.0

235. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1031250000/profile> [<https://perma.cc/UZ4U-T8QG>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1031250000/population> [<https://perma.cc/78QR-3F2Z>].

236. *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1030700000/profile> [<https://perma.cc/8G8R-XF74>]; *Indianapolis Public Schools (5385)*, IND. DEP'T OF ED., <https://inview.doe.in.gov/corporations/1030700000/population> [<https://perma.cc/FP8Q-JPKA>].

APPENDIX B: 2018-2019 FEDERAL ACCOUNTABILITY RATINGS FOR
NEIGHBORHOOD SCHOOLS OF DEVELOPMENTS AWARDED FAMILY
LOW-INCOME HOUSING TAX CREDITS IN THE GREATER
INDIANAPOLIS AREA FROM 2008 TO 2020²³⁷

Project Name:	Placed- In- Service Year:	School District	Neighborhood Elementary School	18-19 Federal Rating
Commons at Wynne Farms Apts ²³⁸	2012	Brownsburg Community School Corp	Delaware Trail Elementary School	Exceeds Expectations
Southpointe Village Apts ²³⁹		Hamilton Southeastern Schools	Fishers Elementary School	Meets Expectations
Prairie Meadows Apts, PHASE II ²⁴⁰	2017	Greenfield- Central Com Schools	Weston Elementary School/Greenfield Intermediate School	Exceeds Expectations/Meets Expectations
Prairie Meadows Apts ²⁴¹	2010	Greenfield- Central Com Schools	Weston Elementary School/Greenfield Intermediate School	Exceeds Expectations
Clary Crossing Apts ²⁴²	2009	Center Grove School District	Maple Grove Elementary School	Meets Expectations
Trotters Pointe Phase III ²⁴³	2011	Clark-Pleasant Community Sch Corp	Clark Elementary School	Meets Expectations

237. *LIHTC Database Access*, <https://lihtc.huduser.gov/> [<https://perma.cc/T9BK-X4UC>] (2008-2018 development data); 2019 development Data <https://www.in.gov/ihcda/files/2019A-C%20Awarded%20List.pdf> [<https://perma.cc/TZ9Y-PZ2N>]; 2020 Development Data <https://www.in.gov/ihcda/files/2020A-C%20Round%20Awarded%20Applicants.pdf> [<https://perma.cc/4UP6-5KNE>]; *Rental Housing Tax Credit Program Development Summary*, <https://www.indy.gov/workflow/my-school-district/review> [<https://perma.cc/4Q8N-G88Q>] (Identifying School District Based on Address); Dylan P. McCoy & Emma K. Fittes, *Indiana Releases More Data on 2019 A-F Grades — with New Insight into Student Growth*, CHALKBEAT (May 18, 2020), <https://in.chalkbeat.org/2020/5/18/21260522/indiana-unredacted-2019-a-f-grades-student-growth-scores> [<https://perma.cc/77YN-BNEW>] (2019 Projected Grades); *Welcome to INView*, IND. DEP'T OF ED., <https://inview.doe.in.gov/intro> [<https://perma.cc/HQ3Q-NTXP>] (Federal Ratings and State Grades).

238. 8144 Redrock Rd E, Brownsburg, IN 46112.

239. 11144 Lantern Rd, Fishers, IN 46038.

240. 2915 Sweet Grass Ln, Greenfield, IN 46140.

241. 110 Switch Grass Dr, Greenfield, IN 46140.

242. 3131 Clary Crossing, Greenwood, IN 46143.

243. 2600 Santa Anita Dr, Greenwood, IN 46143.

Trotters Pointe Phase IV ²⁴⁴	2014	Clark-Pleasant Community Sch Corp	Clark Elementary School	Meets Expectations
Valley Forge Apts ²⁴⁵	2008	MSD Perry Twp	Abraham Lincoln Elementary School	Meets Expectations
Franklin Cove I ²⁴⁶	2010	MSD Franklin Twp	Acton Elementary School	Meets Expectations
Franklin Cove II ²⁴⁷	2014	MSD Franklin Twp	Acton Elementary School	Meets Expectations
Bradford Park Apts ²⁴⁸	2010	Brownsburg Community School Corp	Eagle Elementary School	Exceeds Expectations
1010 Central Apts ²⁴⁹	2012	IPS	Urban ACT Academy at Washington Irving School 14	Does Not Meet Expectations*
707 E North St ²⁵⁰	2010	IPS	Urban ACT Academy at Washington Irving School 14	Does Not Meet Expectations*
Burton Apts II ²⁵¹	2012	IPS	Urban ACT Academy at Washington Irving School 14	Does Not Meet Expectations*
Canal Gardens ²⁵²	2011	IPS	Urban ACT Academy at Washington Irving School 14	Does Not Meet Expectations*
Englewood Lofts ²⁵³	2014	IPS	Urban ACT Academy at Washington Irving School 14	Does Not Meet Expectations*
Near West Village ²⁵⁴		IPS	Matchbook Learning at Wendell Phillips School 63	Does Not Meet Expectations*
Penn St Tower ²⁵⁵	2015	IPS	Urban ACT Academy at Washington Irving School 14	Does Not Meet Expectations*

244. 2600 Santa Anita Dr, Greenwood, IN 46143.

245. 4350 Madison Ave, Indianapolis, IN 46227.

246. 8505 Faywood Dr, Indianapolis, IN 46239.

247. 3615 Franklin Rd, Indianapolis, IN 46239.

248. 3940 Crystal Pond Way, Indianapolis, IN 46234.

249. 1010 Central Ave, Indianapolis, IN 46202.

250. 707 E N St, Indianapolis, IN 46202.

251. 821 Pennsylvania St, Indianapolis, IN 46204.

252. 1229 Dr. MLK Jr. St, Indianapolis, IN 46202.

253. 1249 Alabama St, Indianapolis, IN 46202.

254. Scattered Site – Near 2109 West 11th St, Indianapolis, IN 46222.

255. 115 Pennsylvania St, Indianapolis, IN 46204.

Proctor Place ²⁵⁶		IPS	Matchbook Learning at Wendell Phillips School 63	Does Not Meet Expectations*
The Steeples on Washington ²⁵⁷	2012	IPS	Matchbook Learning at Wendell Phillips School 63	Does Not Meet Expectations*
Beechwood Gardens & Hawthorne Place ²⁵⁸	2012	IPS	Sankofa School of Success @ Arlington Woods Elementary School	Does Not Meet Expectations
Brookside Apts ²⁵⁹	2008	IPS	Brookside School 54	Does Not Meet Expectations
Brownstone Apts ²⁶⁰	2013	IPS	James Whitcomb Riley School 43	Does Not Meet Expectations
Canal Village ²⁶¹		IPS	Ignite Achievement Academy at Elder W. Diggs School	Does Not Meet Expectations
Coburn Place Safehaven ²⁶²	2009	IPS	James Whitcomb Riley School 43	Does Not Meet Expectations
Colonial Park ²⁶³		IPS	Christian Park School 82	Does Not Meet Expectations
Constitution Gardens ²⁶⁴	2008	IPS	Phalen Leadership Academy @ Louis B Russell Jr School 48	Does Not Meet Expectations
Enclave at Meridian Apts ²⁶⁵	2012	IPS	James Whitcomb Riley School 43	Does Not Meet Expectations
Jefferson Apts ²⁶⁶	2010	IPS	Thomas D Gregg School 15	Does Not Meet Expectations
Mapleton Properties ²⁶⁷	2011	IPS	Ignite Achievement Academy at Elder W. Diggs School	Does Not Meet Expectations

256. 240 N Warman, Indianapolis, IN 46222.

257. 3000 W Washington St, Indianapolis, IN 46222.

258. 2805, 2807, 2809 & 2811 N Graham Ave, Indianapolis, IN 46218.

259. 1002 N Beville Ave, Indianapolis, IN 46201.

260. 3360 N Meridian St, Indianapolis, IN 46208.

261. Scattered Site – Near 27th & Clifton St, Indianapolis, IN 46208.

262. 604 E 38th St, Indianapolis, IN 46205.

263. 4421 E Washington St, Indianapolis, IN 46201.

264. 3433 Central Ave, Indianapolis, IN 46205.

265. 3777 N Meridian St, Indianapolis, IN 46208.

266. 2201 E Tenth St, Indianapolis, IN 46201.

267. 3028 Ruckle St, Indianapolis, IN 46205.

Museum Park ²⁶⁸	2008	IPS	Ignite Achievement Academy at Elder W. Diggs School	Does Not Meet Expectations
Point on Fall Creek ²⁶⁹	2013	IPS	Phalen Leadership Academy @ Louis B Russell Jr School 48	Does Not Meet Expectations
The Georgetown ²⁷⁰	2009	IPS	Phalen Leadership Academy @ Louis B Russell Jr School 48	Does Not Meet Expectations
The Meridian Apts ²⁷¹	2015	IPS	James Whitcomb Riley School 43	Does Not Meet Expectations
Thirty-Four North ²⁷²	2010	IPS	James Whitcomb Riley School 43	Does Not Meet Expectations
Twin Hills & Blackburn ²⁷³	2011	IPS	Kindezi-Joyce Kilmer School 69	Does Not Meet Expectations
Laurelwood & Rowney ²⁷⁴	2011	IPS	Raymond F Brandes School 65	Approaches Expectations
Red Maple Grove IIB ²⁷⁵	2008	IPS	Paul I Miller School 114	Approaches Expectations
Greystone Apts of Noblesville ²⁷⁶	2008	Noblesville Schools	Noble Crossing Elementary School	Meets Expectations
Haven Homes of Hendricks Cnty. ²⁷⁷		Plainfield Community School Corp.	Clarks Creek Elementary	Meets Expectations
Harper's Crossing ²⁷⁸		Plainfield Community School Corp.	Central Elementary	Exceeds Expectations
Casey Acres ²⁷⁹	2015	Westfield-Washington Schools	Monon Trail Elementary/Westfield Intermediate School	Meets Expectations

268. 950 W 26th St, Indianapolis, IN 46208.

269. 2855 E 45th St, Indianapolis, IN 46205.

270. 3621 Bunker Hill, Dr, Indianapolis, IN 46205.

271. 1 E 36th St, Indianapolis, IN 46205.

272. 3420 N Meridian, Indianapolis, IN 46208.

273. 3091 Baltimore Ave, Indianapolis, IN 46218.

274. 3340 Teakwood Dr, Indianapolis, IN 46227.

275. 2901 E Tabor St, Indianapolis, IN 46203.

276. 7160 Oxfordshire Blvd, Noblesville, IN 46062.

277. 2601 Stout Heritage Parkway, Plainfield, IN 46168.

278. Retention Lane, Plainfield, IN 46168.

279. 1270 Sabrina Way, Westfield, IN 46074.

Commons at Spring Mill ²⁸⁰	2012	Westfield- Washington Schools	Maple Glen Elementary/Westfield Intermediate School	Exceeds Expectations/Meets Expectations
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*= these schools were selected by Indianapolis Public Schools for a restart so in their 2018-2019 form as a turnaround school, there was no federal accountability rating. There is historic data, however, which shows that Wendell Phillips School 63 received five consecutive failing grades from the state with a federal rating of “Does Not Meet Expectations” and Washington Irving School 14 received two consecutive F grades from the state which earns a federal rating of “Does Not Meet Expectations.”²⁸¹ Additionally, projected grades for both schools were released based on 2019 standardized test performance.²⁸² Urban ACT Academy at Washington Irving School 14 was projected to have an F grade from the state and Matchbook Learning at Wendell Phillips School 63 was projected to have a D grade, both which correlate with a federal rating of Does Not Meet Expectations.²⁸³

280. 17308 Cayuga Dr, Westfield, IN 46074.

281. Eric Weddle, *IPS Board Backs ‘Innovation Restart’ to Turnaround 2 Failing Schools*, WFYI INDIANAPOLIS, (Nov. 16, 2017), <https://www.wfyi.org/news/articles/ips-names-2-more-failing-schools-for-innovation-restart> [<https://perma.cc/BY5R-3DSY>].

282. Dylan P. McCoy & Emma K. Fittes, *Indiana Releases More Data on 2019 A-F Grades — with New Insight into Student Growth*, CHALKBEAT (May 18, 2020), <https://in.chalkbeat.org/2020/5/18/21260522/indiana-unredacted-2019-a-f-grades-student-growth-scores> [<https://perma.cc/77YN-BNEW>].

283. *Id.*