

HOUSE No. 408

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act regarding the decommissioning of schoolhouses for which school facilities project applicant receives grant payments..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 70B of the General Laws is hereby amended by inserting after
2 Section 15 the following section:

3 70B Section 15A.

4 Decommissioning of schoolhouses for which school facilities project applicant receives
5 grant payments

6 In the event that an eligible applicant can no longer utilize an assisted structure built prior
7 to 2004 as a schoolhouse due to a decrease in enrollment, then the city, town or regional school
8 district shall submit a decommissioning plan to the MSBA and to the Department of Education.

9 The authority shall waive the deductions required under the provision of section 15B of
10 chapter 70B if the district successfully demonstrates the following: (1) there is at least a 15%
11 decrease in enrollment across the entire city, town, or regional school district since the opening
12 of the assisted structure; (2) the enrollment decrease for the assisted structure is greater than 25%

13 of projected enrollment during the design and building process and this enrollment decrease is
14 not due to redistricting; and (3) the district will not have the required capacity if it removes a
15 non-assisted structure; and the authority finds that: (1) the schools within a five mile radius of the
16 assisted structure are not experiencing overcrowding, and (2) the district's 10 year projected
17 enrollment does not exceed the capacity of the remaining operating schoolhouses; and the
18 commissioner of education has certified that: (1) the district's decommissioning plan is
19 educationally sound.

20 Upon the decommissioning of the assisted structure, the district shall sell or lease the
21 assisted structure or facility, or portion of that structure or facility, which shall be for no less than
22 fair market value as determined by independent appraisal, unless the eligible applicant receives
23 prior written approval from the authority to do otherwise, and the proceeds from the sale or lease
24 shall be divided between the authority and the general funds of the applicable eligible applicant
25 in proportion to the commonwealth's and authority's prior investments in the assisted structure
26 or facility under this chapter or said chapter 645, as applicable.