

SENATE No. 252

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relating to public access to state funded school buildings.

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. The General Court finds that:

2 1. there is a growing need in the Commonwealth for community centers and youth
3 centers;

4 2. public Schools are an adequate and efficient mechanism to fill that need;

5 3. the commonwealth has a responsibility to promote educational and recreational activity
6 as well as exercise opportunities to enhance the health and welfare of our citizens;

7 4. many school buildings constructed by the taxpaying citizens of the commonwealth are
8 not accessible to those same citizens and

9 5. the need for public access to the inside of school buildings is more prevalent in the
10 winter months and the need for access to the school grounds and athletic fields is more prevalent
11 in the summer months,

12 SECTION 2. Chapter 70B of the General Laws is hereby amended by inserting, after
13 section 15, the following new section:-

14 70B:15A. Public access to school buildings and grounds

15 Every school building that is constructed using funds under this chapter making up 50
16 percent or more of the total cost of the construction shall provide public access to the school
17 building and school grounds including gymnasiums and athletic fields in accordance with a plan
18 approved by the department. For each said school that has been constructed using funds under
19 this chapter making up 50 percent or more of the total cost of the construction, the
20 superintendent of schools in any city or town shall, annually in January of each year, submit a
21 detailed plan regarding public access to the school building and grounds including days, hours
22 and weeks of public access; which sections of the building and grounds will be and will not be
23 accessible. The plan shall include a minimum of 15 hours per week for access to the school
24 building and 20 hours per week for the grounds from November 1 to March 31 of each year; and
25 a minimum of 10 hours per week for access to the school building and 40 hours per week for the
26 school grounds from April 1 to October 31. The plan shall include weekend hours for the school
27 grounds. The department shall have the authority to make changes to any plan to accommodate
28 the public need however the department changes shall not require more hours than required
29 herein. The superintendent may submit amendments to the plan from time to time as needed,
30 however the department may approve or reject such amendments. The superintendent may
31 exclude certain fields from public access from the plan but must provide detailed explanation for
32 the exclusion subject to the approval of the department. The department shall enforce and
33 preserve the provisions and purpose of this section.