

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick Joseph Kearney

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting Commonwealth students' fundamental right to an education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/29/2020</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>3/30/2020</i>

HOUSE No.

By Mr. Kearney of Scituate, a petition (subject to Joint Rule 12) of Patrick Joseph Kearney and Nika C. Elugardo that internet service providers make broadband and data services available free-of-charge for all students. Economic Development and Emerging Technologies.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act protecting Commonwealth students' fundamental right to an education.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to ensure the students of the Commonwealth of Massachusetts have a constitutional right to an education which has been endangered by COVID-19, and whereas the state has an obligation to protect this fundamental freedom at all times but particularly during a state of emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public peace, safety, health and convenience.

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

1 Any and all internet service providers shall make available free-of-charge broadband and
2 data services for any and all students of the Commonwealth who 1) are currently enrolled in
3 public, private, or charter elementary, secondary, vocational, and post-secondary schools within
4 the Commonwealth, 2) are now unable to attend school as a result of COVID-19, and 3) do not
5 currently have at-home access to internet services. A student is “unable” to attend school if the
6 school has closed, the student does not feel safe attending an open school, or the student was
7 displaced to another town or state as a result of the virus.

8 The intent of this legislation is to ensure that students across the Commonwealth can
9 access their fundamental right to an education. While the state recognizes a procedural due
10 process right for internet service providers in collecting payment, the state interest in quickly
11 providing services to the Commonwealth's vulnerable children in order to protect their
12 substantive due process rights during a time of crisis is paramount.

13 This legislation will expire at the end of the state of emergency in Massachusetts.