SENATE DOCKET, NO. 1191 FILED ON: 1/20/2011

SENATE . . . . . No. 217

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 relating to public access to state funded school buildings..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mark C. Montigny	

SENATE DOCKET, NO. 1191 FILED ON: 1/20/2011

SENATE . . . . . No. 217

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 217) of Mark C. Montigny for legislation relative to public access to state funded school buildings. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *252* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

SECTION 1. The General Court finds that:

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

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

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

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

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

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

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

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

32 exclude certain fields from public access from the plan but must provide detailed explanation for

33 the exclusion subject to the approval of the department. The department shall enforce and

34 preserve the provisions and purpose of this section.