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 passage of the accompanying:

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

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Mark C. Montigny* | |
| | ☐ *[District]* |
| | ☐ |

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

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

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

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

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

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