

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 336) of Mark C. Montigny, Barbara A. L'Italien and John W. Scibak for legislation relative to public access to state funded school buildings. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE 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  
3 centers and youth centers;

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

6 3. the commonwealth has a responsibility to promote educa-  
7 tional and recreational activity as well as exercise opportunities to  
8 enhance the health and welfare of our citizens;

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

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

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

4 70B:15A. Public access to school buildings and grounds.

5 Every school building that is constructed using funds under this  
6 chapter making up 50 percent or more of the total cost of the con-  
7 struction shall provide public access to the school building and

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