

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Montigny, Mark (SEN)**

*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 bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Montigny, Mark (SEN)	Second Bristol and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00339 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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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 centers;
- 3           2. public Schools are an adequate and efficient mechanism to fill that need;
- 4           3. the commonwealth has a responsibility to promote educational and recreational activity as
- 5           well as exercise opportunities to enhance the health and welfare of our citizens;
- 6           4. many school buildings constructed by the taxpaying citizens of the commonwealth are not
- 7           accessible to those same citizens and

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

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

13 70B:15A. Public access to school buildings and grounds

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

30 fields from public access from the plan but must provide detailed explanation for the exclusion  
31 subject to the approval of the department. The department shall enforce and preserve the  
32 provisions and purpose of this section.