

HOUSE No. 4921

By Representative Guyer of Dalton and Senator Rosenberg, joint petition of Denis E. Guyer and Stanley C. Rosenberg relative to the decreased enrollment of schools receiving state grants and the closing and disposition of such schools. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT REGARDING THE DECOMMISSIONING OF SCHOOLHOUSES FOR WHICH SCHOOL FACILITIES PROJECT APPLICANT RECEIVES GRANT PAYMENTS.

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

1 Chapter 70B of the General Laws is hereby amended by inserting
2 after Section 15 the following section:—

3 70B Section 15A. Decommissioning of schoolhouses for which
4 school facilities project applicant receives grant payments.

5 In the event that an eligible applicant can no longer utilize an
6 assisted structure built prior to 2004 as a schoolhouse due to a
7 decrease in enrollment, then the city, town or regional school district
8 shall submit a decommissioning plan to the MSBA and to the
9 Department of Education.

10 The authority shall waive the deductions required under the provi-
11 sion of Section 15B of Chapter 70B if the district successfully
12 demonstrates the following:—

13 (1) there is at least a 15% decrease in enrollment across the entire
14 city, town, or regional school district since the opening of the
15 assisted structure;

16 (2) the enrollment decrease for the assisted structure is greater
17 than 25% of projected enrollment during the design and building
18 process and this enrollment decrease is not due to redistricting; and

19 (3) the district will not have the required capacity if it removes a
20 non-assisted structure; and the authority finds that:—

21 (1) the schools within a five mile radius of the assisted structure
22 are not experiencing overcrowding, and

23 (2) the district's 10 year projected enrollment does not exceed the
24 capacity of the remaining operating schoolhouses; and the commis-
25 sioner of education has certified that:—

26 (1) the district's decommissioning plan is educationally sound.

27 Upon the decommissioning of the assisted structure, the district
28 shall sell or lease the assisted structure or facility, or portion of that
29 structure or facility, which shall be for no less than fair market value
30 as determined by independent appraisal, unless the eligible applicant
31 receives prior written approval from the authority to do otherwise,
32 and the proceeds from the sale or lease shall be divided between the
33 authority and the general funds of the applicable eligible applicant in
34 proportion to the commonwealth's and authority's prior investments
35 in the assisted structure or facility under this chapter or said
36 Chapter 645, as applicable.