

SENATE No. 01743

The Commonwealth of Massachusetts

PRESENTED BY:

John Hart, Jr.

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 to provide for the denial of driver's licenses for truants..

PETITION OF:

NAME:

John Hart, Jr.

DISTRICT/ADDRESS:

First Suffolk

SENATE No. 01743

By Mr. Hart, petition (accompanied by bill, Senate, No. 1743) of Hart for legislation for denial of driver's licenses for truants [Joint Committee on Transportation].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to provide for the denial of driver's licenses for truants..

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. Chapter 90 of the General Laws, as appearing in the 2000 Official Edition,
2 is hereby amended by inserting after section 8L the following section:-

3 8M. The application for a license to operate a motor vehicle or for a junior operator's
4 license or a learner's permit shall be signed by a parent or guardian, or by another responsible
5 adult, if there is no parent or guardian and such signature shall be notarized. The registrar may
6 issue said license or permit if the applicant provides certification from his school committee that
7 said applicant:

8 (1) has received a high school diploma, a high school general educational development (GED)
9 equivalency diploma, a special diploma, or a certificate of high school completion;

10 (2) is enrolled in a public or private school and satisfies relevant attendance and academic
11 requirements;

12 (3) is enrolled in a study course in preparation for the test of general educational development
13 and satisfies relevant attendance requirements;

14 (4) is enrolled in a home education program that satisfies the requirements of all state laws
15 governing such courses;

16 (5) is enrolled in a postsecondary vocational program or a postsecondary adult vocational
17 program and satisfies relevant attendance requirements;

18 (6) is enrolled in a job training program and satisfies relevant attendance requirements;

19 (7) is enrolled in other educational activities approved by the school committee and satisfies
20 relevant attendance requirements;

21 (8) is disabled and medically unable to pursue any of the educational programs enumerated in
22 paragraphs (1) through (7) of this subsection; or

23 (9) has a parent who is totally disabled and said parent needs the minor to perform services
24 which prevent the minor from engaging in the educational activities enumerated in paragraphs
25 (1) to (7), inclusive.

26 An applicant shall provide written certification of compliance with the above or a waiver
27 of such requirements to the registrar. Such certification shall be obtained from the school
28 committee of his district. If the applicant is enrolled in or graduated from a non-public school,
29 the certification shall be obtained from the headmaster of such school. The school committee or
30 headmaster shall not certify non-compliance until and unless the school administration has
31 completed the following escalating activities to determine the cause and to attempt the
32 remediation of the applicant's failure to satisfy relevant attendance requirements:—

33 (1) One or more meetings shall be held between a school attendance professional or a school
34 social worker, the applicant's parents, guardian or responsible adult as determined by the school
35 committee or headmaster and the applicant to report and to attempt to solve the attendance
36 problem. However, if the school attendance professional or school social worker has documented
37 the refusal of the parent or guardian to attend the meeting after a reasonable period of time has
38 elapsed, then this requirement shall be deemed to have been met and the school administration
39 shall proceed to the next escalating activity; and

40 (2) Educational counseling and evaluation shall be provided to the applicant to attempt to
41 identify the specific condition, if any, that is contributing to the attendance problem and to
42 determine whether curriculum changes would help solve the attendance problem. If any changes
43 are indicated, such changes shall be instituted. If counseling is proven unsuccessful in remedying
44 the attendance problem or if the minor fails to participate, this requirement shall be deemed to
45 have been met. Such curriculum changes may include enrollment of the minor in a dropout
46 prevention program meeting the specific educational and behavioral needs of the applicant. The
47 burden of proof shall be on the applicant to prove he has complied with the requirements of this
48 section. The school committee or headmaster may comply with the reporting requirements of this
49 section by providing a certified copy of the applicant's academic and attendance records.

50 Nothing in this section shall be construed to require the school committee or headmaster to
51 compile or create any additional records not otherwise maintained by them. The school
52 committee or headmaster may charge a fee not to exceed \$20 for providing certification to the
53 registrar that the applicant has complied with the requirements of this section. The school
54 committee or headmaster may comply with the certification requirements of this section by
55 executing the following form to include the name of the applicant: — is enrolled in a public or

56 private school and satisfies relevant attendance and academic requirements. Said form shall be
57 signed by a designated official of the school committee or by the headmaster. The school
58 committee or headmaster shall have the sole discretion to determine compliance with the
59 requirements of this section. A school committee or headmaster shall grant a waiver of the
60 requirements of this section for any applicant under its jurisdiction for whom a personal or
61 family hardship requires that such applicant have a driver's license to provide for his personal or
62 family employment. The school committee or headmaster shall take into consideration the
63 recommendation of school officials, guidance counselors and academic advisors prior to granting
64 a waiver.