

By Mr. Hart, a petition (accompanied by bill, Senate, No. 1321) of John A. Hart, Jr. for legislation to prohibit the issuance of drivers' licenses to persons with poor school attendance and school dropouts. Public Safety.

**The Commonwealth of Massachusetts**

In the Year Two Thousand and Three.

AN ACT PROVIDING FOR THE DENIAL OF DRIVERS' LICENSES TO 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 Chapter 90 of the General Laws, as appearing in the 2000 Offi-  
2 cial Edition, is hereby amended by inserting after section 8L the  
3 following section:—

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

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

14 (2) is enrolled in a public or private school and satisfies rele-  
15 vant attendance and academic requirements;

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

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

21 (5) is enrolled in a postsecondary vocational program or a post-  
22 secondary adult vocational program and satisfies relevant atten-  
23 dance requirements;

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

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

28 (8) is disabled and medically unable to pursue any of the educa-  
29 tional programs enumerated in paragraphs (1) through (7) of this  
30 subsection; or

31 (9) has a parent who is totally disabled and said parent needs  
32 the minor to perform services which prevent the minor from  
33 engaging in the educational activities enumerated in paragraphs  
34 (1) to (7), inclusive. An applicant shall provide written certifica-  
35 tion of compliance with the above or a waiver of such require-  
36 ments to the registrar. Such certification shall be obtained from  
37 the school committee of his district. If the applicant is enrolled in  
38 or graduated from a non-public school, the certification shall be  
39 obtained from the headmaster of such school. The school com-  
40 mittee or headmaster shall not certify non-compliance until and  
41 unless the school administration has completed the following  
42 escalating activities to determine the cause and to attempt the  
43 remediation of the applicant's failure to satisfy relevant atten-  
44 dance requirements:—

45 (1) One or more meetings shall be held between a school atten-  
46 dance professional or a school social worker, the applicant's par-  
47 ents, guardian or responsible adult as determined by the school  
48 committee or headmaster and the applicant to report and to  
49 attempt to solve the attendance problem. However, if the school  
50 attendance professional or school social worker has documented  
51 the refusal of the parent or guardian to attend the meeting after a  
52 reasonable period of time has elapsed, then this requirement shall  
53 be deemed to have been met and the school administration shall  
54 proceed to the next escalating activity; and

55 (2) Educational counseling and evaluation shall be provided to  
56 the applicant to attempt to identify the specific condition, if any,  
57 that is contributing to the attendance problem and to determine  
58 whether curriculum changes would help solve the attendance  
59 problem. If any changes are indicated, such changes shall be insti-  
60 tuted. If counseling is proven unsuccessful in remedying the atten-  
61 dance problem or if the minor fails to participate, this requirement  
62 shall be deemed to have been met. Such curriculum changes may

63 include enrollment of the minor in a dropout prevention program  
64 meeting the specific educational and behavioral needs of the  
65 applicant.

66 The burden of proof shall be on the applicant to prove he has  
67 complied with the requirements of this section. The school com-  
68 mittee or headmaster may comply with the reporting requirements  
69 of this section by providing a certified copy of the applicant's aca-  
70 demic and attendance records. Nothing in this section shall be con-  
71 strued to require the school committee or headmaster to compile or  
72 create any additional records not otherwise maintained by them.

73 The school committee or headmaster may charge a fee not to  
74 exceed \$20 for providing certification to the registrar that the  
75 applicant has complied with the requirements of this section. The  
76 school committee or headmaster may comply with the certifica-  
77 tion requirements of this section by executing the following form  
78 to include the name of the applicant and that he is enrolled in a  
79 public or private school and satisfies relevant attendance and aca-  
80 demic requirements.

81 Said form shall be signed by a designated official of the school  
82 committee or by the headmaster. The school committee or head-  
83 master shall have the sole discretion to determine compliance with  
84 the requirements of this section.

85 A school committee or headmaster shall grant a waiver of the  
86 requirements of this section for any applicant under its jurisdiction  
87 for whom a personal or family hardship requires that such appli-  
88 cant have a driver's license to provide for his personal or family  
89 employment. The school committee or headmaster shall take into  
90 consideration the recommendation of school officials, guidance  
91 counselors and academic advisors prior to granting a waiver.

