

The Commonwealth of Massachusetts



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT

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WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

March 19, 1997

To the Honorable Senate and House of Representatives:

We are filing for your consideration the attached legislation entitled "An Act to Encourage School Attendance."

Chronic truancy is a telling sign that a child is in danger of wholly rejecting the necessary training and experiences needed to become a productive member of society and is more likely to become involved in criminal activity. Active parental involvement is crucial to preventing chronic truancy and must be encouraged. Parental indifference or acquiescence to poor school attendance should have serious consequences.

This bill will strengthen the school attendance law by increasing the maximum fine for persons failing to make their children go to school from \$20 (an amount which simply does not convey the seriousness of this problem) to \$100, and by reducing the number of absences necessary before such a fine may be imposed. The bill will also make the process for assessing and collecting fines more efficient by allowing the issuance and payment of fines through the mail with no direct judicial involvement (fines under the current statute must be levied by a judge). School committees and regional school districts would be empowered by this bill to establish a fund to receive monies from these fines, and use them to offset the cost of employing supervisors of attendance or implementing other truancy prevention programs. Finally, supervisors of attendance will be authorized to require truant students to perform a term of community service, revising the current law which does not allow supervisors to impose direct consequences for truancy upon the student.

This bill will establish important new tools for our fight against truancy and enforcement of the compulsory education laws in Massachusetts. We urge your prompt and favorable consideration of this important piece of legislation.

Sincerely,

William F. Weld
Governor

Argeo Paul Cellucci
Lieutenant Governor

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT TO ENCOURAGE SCHOOL ATTENDANCE.

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. Section one of chapter seventy-six of the General
2 Laws, as appearing in the 1994 Official Edition, is hereby
3 amended by striking the third sentence and inserting in place
4 thereof the following sentence: — The superintendent, or teachers
5 in so far as authorized by him or the school committee, may
6 excuse cases of necessary absence for other causes not exceeding
7 five day sessions or ten half-day sessions in any period of six
8 months.

1 SECTION 2. Said chapter seventy-six of the General Laws, as
2 so appearing, is hereby further amended by striking out section
3 two and inserting in place thereof the following section: —

4 Section 2. Every person in control of a child described in
5 section one shall cause him to attend school as therein required,
6 and, if he fails so to do for five day sessions or ten half-day ses-
7 sions within any period of six months, the supervisor of atten-
8 dance for the school may punish said person by assessing a fine of
9 not more than one hundred dollars. No physical or mental condi-
10 tion capable of correction, or rendering the child a fit subject for
11 special instruction at public charge in institutions other than
12 public day schools, shall avail as a defense unless it appears that
13 the defendant has employed all reasonable measures for the cor-
14 rection of the condition and the suitable instruction of the child.
15 Such fines may be assessed in accordance with the non-criminal
16 disposition process described in section twenty-one D of chapter
17 forty unless modified by this section, and no municipal adoption
18 shall be required in order to use the non-criminal disposition
19 process.

20 A supervisor of attendance may issue to such a person in con-
21 trol of a child a notice to appear before the juvenile court having
22 jurisdiction over the child's school, which shall specify the
23 amount of the fine. For purposes of this section, the juvenile
24 courts shall have jurisdiction over the non-criminal disposition of
25 fines assessed in accordance with this section and section twenty-
26 one D of chapter forty. When it is not possible to deliver to the
27 person in control of the child a copy of the written notice in
28 person, a copy shall be mailed or delivered by the supervisor of
29 attendance to the person's last known address. Such notice as so
30 mailed shall be deemed a sufficient notice, and a certificate of the
31 supervisor of attendance that the notice was mailed in accordance
32 with this section, and shall be prima facie evidence thereof. A
33 person in control of a child so notified may appear and confess the
34 violation either in person or by appearance and payment of the
35 fine by mail, or contest the violation and fine, as described in
36 section twenty-one D of chapter forty. The supervisor of atten-
37 dance shall safely retain and preserve a copy of each notice
38 issued, and shall no later than the next court day after delivering
39 or mailing the notice, provide a copy to the juvenile court before
40 which the person in control of the child has been ordered to
41 appear. The notice to appear provided for herein shall be printed
42 in such form as the chief justice of the juvenile court shall pre-
43 scribe, and shall include the name and address of the child and the
44 person in control of the child, the offense charged, the time, place
45 and directions for making the required appearance, and the
46 amount of the fine assessed.

47 A school committee on a regional school district, by a majority
48 vote of two thirds of the member communities of the regional
49 school district, may establish a separate fund to be known as the
50 truancy prevention fund. Once established, all fines collected pur-
51 suant to this section and any appropriation, grant, gift or other
52 contribution explicitly directed to said fund, shall be deposited
53 therein. Amounts credited to truancy prevention funds may be
54 expended to employ supervisors of attendance or to establish,
55 maintain and improve other truancy prevention programs in the
56 district.

57 Nothing in this section shall limit or preclude other actions oth-
58 erwise authorized by law of supervisors of attendance to require
59 school attendance.

1 SECTION 3. Section twenty of said chapter seventy-six, as so
2 appearing, is hereby further amended by inserting after the last
3 sentence thereof the following sentence: — Supervisors of atten-
4 dance with the approval of the school principal may require a
5 child failing to attend school for five day sessions or ten half-day
6 sessions within any period of six months, to perform a reasonable
7 term of community service, the length and nature of which shall
8 be specified by the supervisor of attendance.