

# SENATE NO. 2054

## AN ACT PROVIDING FOR THE DENIAL OF DRIVER 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 SECTION 1. Chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby  
2 amended by inserting after section 8L the following section:-

3 Section 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 adult, if  
5 there is no parent or guardian and such signature shall be notarized. The registrar may issue said  
6 license or permit if the applicant provides certification from his school committee that said applicant:

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

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

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

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

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

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

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

21 (8) is disabled and medically unable to pursue any of the educational programs  
22 enumerated in 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  
24 services which prevent the minor from engaging in the educational activities  
25 enumerated in paragraphs (1) to (7), inclusive.

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

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

41 proceed to the next escalating activity; and

42 (2) Educational counseling and evaluation shall be provided to the applicant to attempt

43 to identify the specific condition, if any, that is contributing to the attendance problem

44 and to determine whether curriculum changes would help solve the attendance

45 problem. If any changes are indicated, such changes shall be instituted. If counseling

46 is proven unsuccessful in remedying the attendance problem or if the minor fails to

47 participate, this requirement shall be deemed to have been met. Such curriculum

48 changes may include enrollment of the minor in a dropout prevention program meeting

49 the specific educational and behavioral needs of the applicant.

50 The burden of proof shall be on the applicant to prove he has complied with the

51 requirements of this section. The school committee or headmaster may comply with

52 the reporting requirements of this section by providing a certified copy of the

53 applicant's academic and attendance records. Nothing in this section shall be

54 construed to require the school committee or headmaster to compile or create any

55 additional records not otherwise maintained by them.

56 The school committee or headmaster may charge a fee not to exceed \$20 for  
57 providing certification to the registrar that the applicant has complied with the  
58 requirements of this section.

59 The school committee or headmaster may comply with the certification requirements  
60 of this section by executing the following form to include the name of the applicant: —  
61 is enrolled in a public or private school and satisfies relevant attendance and  
62 academic requirements.

63 Said form shall be signed by a designated official of the school committee or by the  
64 headmaster. The school committee or headmaster shall have the sole discretion to  
65 determine compliance with the requirements of this section.

66 A school committee or headmaster shall grant a waiver of the requirements of this  
67 section for any applicant under its jurisdiction for whom a personal or family hardship  
68 requires that such applicant have a driver's license to provide for his personal or family  
69 employment. The school committee or headmaster shall take into consideration the

70 recommendation of school officials, guidance counselors and academic advisors prior

71 to granting a waiver.