

**SENATE . . . . . No. 1916**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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,  
2 is hereby 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  
4 operator’s license or a learner’s permit shall be signed by a parent or guardian, or by another  
5 responsible adult, if there is no parent or guardian and such signature shall be notarized. The  
6 registrar may issue said license or permit if the applicant provides certification from his school  
7 committee that said applicant:

8           has received a high school diploma, a high school general educational development  
9 (GED) 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  
13 development and satisfies relevant attendance requirements;(4) is enrolled in a home education

14 program that satisfies the requirements of all state laws governing such courses;(5) is enrolled in  
15 a postsecondary vocational program or a postsecondary adult vocational program and satisfies  
16 relevant attendance requirements;(6) is enrolled in a job training program and satisfies relevant  
17 attendance requirements;(7) is enrolled in other educational activities approved by the school  
18 committee and satisfies relevant attendance requirements;(8) is disabled and medically unable to  
19 pursue any of the educational programs enumerated in paragraphs (1) through (7) of this  
20 subsection; or(9) has a parent who is totally disabled and said parent needs the minor to perform  
21 services which prevent the minor from engaging in the educational activities enumerated in  
22 paragraphs (1) to (7), inclusive.

23 An applicant shall provide written certification of compliance with the above or a waiver  
24 of such requirements to the registrar. Such certification shall be obtained from the school  
25 committee of his district. If the applicant is enrolled in or graduated from a non-public school,  
26 the certification shall be obtained from the headmaster of such school. The school committee or  
27 headmaster shall not certify non-compliance until and unless the school administration has  
28 completed the following escalating activities to determine the cause and to attempt the  
29 remediation of the applicant's failure to satisfy relevant attendance requirements:—(1) One or  
30 more meetings shall be held between a school attendance professional or a school social worker,  
31 the applicant's parents, guardian or responsible adult as determined by the school committee or  
32 headmaster and the applicant to report and to attempt to solve the attendance problem. However,  
33 if the school attendance professional or school social worker has documented the refusal of the  
34 parent or guardian to attend the meeting after a reasonable period of time has elapsed, then this  
35 requirement shall be deemed to have been met and the school administration shall proceed to the  
36 next escalating activity; and(2) Educational counseling and evaluation shall be provided to the

37 applicant to attempt to identify the specific condition, if any, that is contributing to the  
38 attendance problem and to determine whether curriculum changes would help solve the  
39 attendance problem. If any changes are indicated, such changes shall be instituted. If counseling  
40 is proven unsuccessful in remedying the attendance problem or if the minor fails to participate,  
41 this requirement shall be deemed to have been met. Such curriculum changes may include  
42 enrollment of the minor in a dropout prevention program meeting the specific educational and  
43 behavioral needs of the applicant. The burden of proof shall be on the applicant to prove he has  
44 complied with the requirements of this section. The school committee or headmaster may  
45 comply with the reporting requirements of this section by providing a certified copy of the  
46 applicant's academic and attendance records. Nothing in this section shall be construed to require  
47 the school committee or headmaster to compile or create any additional records not otherwise  
48 maintained by them. The school committee or headmaster may charge a fee not to exceed \$20 for  
49 providing certification to the registrar that the applicant has complied with the requirements of  
50 this section. The school committee or headmaster may comply with the certification requirements  
51 of this section by executing the following form to include the name of the applicant: — is  
52 enrolled in a public or private school and satisfies relevant attendance and academic  
53 requirements. Said form shall be signed by a designated official of the school committee or by the  
54 headmaster. The school committee or headmaster shall have the sole discretion to determine  
55 compliance with the requirements of this section. A school committee or headmaster shall grant a  
56 waiver of the requirements of this section for any applicant under its jurisdiction for whom a  
57 personal or family hardship requires that such applicant have a driver's license to provide for his  
58 personal or family employment. The school committee or headmaster shall take into

59 consideration the recommendation of school officials, guidance counselors and academic  
60 advisors prior to granting a waiver.