

**HOUSE . . . . . No. 416**

By Mr. Fagan of Taunton, petition of James H. Fagan that parents or legal guardians be held responsible for the school attendance of children in their care. Education.

**The Commonwealth of Massachusetts**

In the Year Two Thousand and Seven.

AN ACT PROVIDING THAT PARENTS OR LEGAL GUARDIANS BE HELD RESPONSIBLE FOR THE SCHOOL ATTENDANCE OF CHILDREN IN THEIR CARE.

*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 76 of the General Laws, as appearing in the 2004 Official  
2 Edition, is hereby amended by striking Section 2 and inserting in  
3 place thereof the following section:—

4 Section 2. Every person in control of a child described in section  
5 one shall cause him to attend school as therein required, and, if he  
6 fails so to do for seven day sessions or fourteen half day sessions  
7 within any period of six months, he shall, on complaint by a super-  
8 visor of attendance, be punished by a fine of not more than one thou-  
9 sand dollars or by imprisonment for not more than thirty days, or  
10 both such fine and imprisonment. Notwithstanding the provisions of  
11 Section six A of Chapter two hundred and seventy-nine, the court  
12 may order that a defendant convicted under this section be impris-  
13 oned only on designated weekends, evenings or holidays. No phys-  
14 ical or mental condition capable of correction, or rendering the child  
15 a fit subject for special instruction at public charge in institutions  
16 other than public day schools, shall avail as a defense unless it  
17 appears that the defendant has employed all reasonable measures for  
18 the correction of the condition and the suitable instruction of the  
19 child. The juvenile court shall have jurisdiction of complaints here-  
20 under.