

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATION

COMMISSIONER OF EDUCATION

JANE J. DOE

vs.

WARWICK SCHOOL
COMMITTEE

D E C I S I O N

November 14, 1989

Travel of the Case

This matter arises out of a dispute concerning Student Doe's entitlement to attend school in Warwick under the provisions of the newly-enacted section of our residency law, §16-64-8. A formal hearing to resolve the dispute under §16-64-6 was requested by letter of September 18, 1989, and hearings were held on September 28 and October 3, 1989. On both occasions a transcript was made.

Jurisdiction to hear the appeal lies under §§16-64-6 and 16-39-1 of the of the General Laws of Rhode Island.

Findings of Fact

The facts in this case are not substantially in dispute:

- Until April 7, 1989 Student Doe, who is 17 years old, had been continuously enrolled at Pilgrim High School in Warwick, where she resided with her parents.
- Because of a chaotic and disruptive home environment, Student Doe left her parents home in Warwick, in April to live with her aunt in Tiverton, Rhode Island, where she enrolled in that town's public high school for the remainder of the school term.
- At the time she left Pilgrim High School, Student Doe had almost completed her junior year.
- Subsequently, Student Doe was placed in a group home in Providence by the Department for Children & Their Families (DCF), which has temporary custody and guardianship of her.

- Student Doe, at the time of hearing before us, had been living at the Providence group home for three weeks, and anticipated staying there for at least the remainder of the school year.
- Since September of 1989 Student Doe has been enrolled at Central High School in Providence where she takes her gym and homeroom classes. All her other classes are taken at Classical High School.
- Student Doe has not resided in Warwick since April of 1989.

Conclusions

Despite the substantial impediment of a disruptive home environment, Student Doe has compiled an excellent academic record, a record she hopes will gain her admission to college. It is primarily for purposes of "getting a Pilgrim degree" that she presses her claim before us that she is now entitled to re-enrollment at Pilgrim under §16-64-8, passed during the last legislative session. For reasons we need not go into, the School Administration is not inclined to re-enroll this student unless required to do so by law.

The language of §16-64-8 to which we are directed as support for this student's re-enrollment at Pilgrim, despite her residency in Providence is:

. . . If the student is a senior or about to enter his or her senior year the student shall be allowed to complete his or her senior year in his or her original town of residence.

Thus a non-resident student is enabled to "finish out" the senior

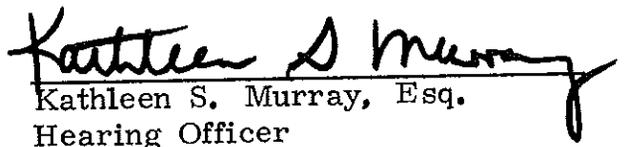
year in his/her town of original residence if the student changes residence at any time during the senior year or when the student is "about to enter his/her senior year".

A student enters his/her senior year in the month of September, in most cases. We think the phrase "about to enter" the senior year refers to a change in residence occurring a short period of time prior to September. We agree that this phrase should be construed liberally to effectuate the intent of the statute, however we think construing it to encompass a student who moves from the school district some five months prior to the beginning of the senior year, prior to the end of the junior year would be ignoring the phrase "about to enter" the senior year, and we must give such words their clear and plain meaning. In giving these words effect, we cannot agree that Student Doe is entitled to re-enroll in the Warwick School System by virtue of §16-64-8.

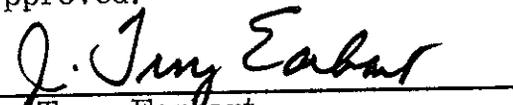
For the foregoing reasons, the appeal of the petitioner is denied.

¹] We do not rule on Student Doe's entitlement to be educated in Warwick under the provisions of a designation under R.I.G.L. §16-64-5.

²] We hope that this ruling will not be interpreted by Student Doe as a lack of support for her extraordinary efforts to continue her school attendance, complete her excellent academic record and go on to college.


Kathleen S. Murray, Esq.
Hearing Officer

Approved:


J. Troy Eakart
Commissioner of Education

November 14, 1989