

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

----- :  
MRS. PATRICIA A. :  
: :  
: :  
vs. :  
: :  
: :  
NARRAGANSETT SCHOOL :  
COMMITTEE -and- :  
: :  
CRANSTON SCHOOL :  
COMMITTEE :  
----- :

D E C I S I O N

May 1, 1990

This matter was heard on March 13, 1990 upon the appeal to the Commissioner of Education by the Narragansett School Committee alleging that Mrs. Paul A. [redacted] and her son, R. [redacted], are residents of Cranston. The hearing was held in accordance with §16-64-6 of the General Laws of Rhode Island, as Amended. The matter was heard by the undersigned Hearing Officer under authorization by the Commissioner.

Due notice was given to the interested parties as to the date, time and place of the hearing. The Narragansett School Committee, the Cranston School Committee and Mrs. A. [redacted] were all represented by counsel. Testimony was taken, a transcript of which was made and evidence was presented. Upon the testimony taken and the evidence presented, we find the following:

1. Mrs. A. [redacted] lived with her son R. [redacted] at Ruffet Way in Cranston until sometime in August 1989.
2. Mrs. A. [redacted] presently resides at the same address in Cranston.
3. Sometime in August of 1989, R. [redacted] her son, moved to [redacted] Bonnet Point Drive in Narragansett, a summer home owned by his grandfather, Anthony C. [redacted].
4. In late August of 1989, Mrs. A. [redacted] registered her son in the Narragansett School System.
5. R. [redacted] is seventeen (17) years of age and is in grade 10 at Narragansett High School.

The issue is a request for a residency determination from the Narragansett School Department with regard to R. [redacted], son of Mrs. Patricia A. [redacted]. Since the Narragansett School Department

alleges that Mrs. A. [redacted] and her son R. [redacted] are residents of Cranston, the Cranston School Department was invited to participate in the hearing.

The Narragansett School Department alleges that R. [redacted], son of Mrs. A. [redacted], is attending school (Narragansett High School) illegally since his mother, as the custodial parent, is a resident of Cranston. The Narragansett School Department argues pursuant to §16-64-1 ". . . the child be deemed to be a resident of the town in which the parent having actual custody of the child resides".

The custodial parent, Mrs. A. [redacted], testified that she presently lives at Ruffet Way in Cranston and has resided there for several years. She testified that her son is presently living in the summer home of her father, Anthony C. [redacted], at Bonnet Point Road in Narragansett, where she and her children usually spend the summer months. She further testified that her son lives there without adult supervision present, that he pays no rent or utility bills, that he has no independent means of support, that she gives him an allowance, pays for his food, clothing and medical necessities and that she makes every attempt to administer parental supervision although she is not physically present. She also testified that she had enrolled R. [redacted] in the Narragansett School System in order to give him an opportunity "to turn his life around" since he was doing so poorly in the Cranston School System. She admitted under cross examination that his grades got off to a fair start but have been dropping consistently since the end of the first quarter. She also admitted that she had been

notified on at least one occasion by the Narragansett School Department that they had been receiving complaints from parents that R was holding unsupervised parties for large numbers of children. She further testified that when she enrolled her son in Narragansett in late August of 1989 that she and her husband were contemplating the possibility of moving to Narragansett, but it never worked out.

§16-64-1 states that:

Except as otherwise provided by law or agreement a child shall be enrolled in the school system of the town wherein he or she resides. A child shall be deemed to be a resident of the town where his or her parents reside. If the child's parents reside in different towns the child shall be deemed to be a resident of the town in which the parent having actual custody of the child resides. . .

The explicit exceptions pursuant to the statute are 1) if a child has been abandoned by his/her parents, 2) if a child is emancipated, 3) if the child's parents cannot care for the child because of parental illness or family breakup, and 4) if the child is placed in a group home, foster care or in a child caring facility. None of these conditions apply to her son, R.

In prior cases (e.g. Laura Doe vs. Narragansett School Committee, Commissioner of Education, April 17, 1984) we have also pointed out that the "deeming" provision of G.L. 16-64 does not create an irrebuttable presumption that precludes a student from ever establishing a residence

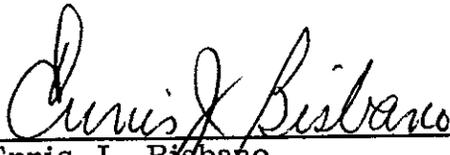
1] David M. Bowen vs. Newport School Committee, February 1983.

2] Tr. pp.25-43.

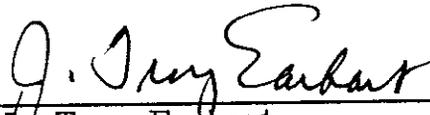
for school purposes apart from the residence of his parents. In such cases, however, it must be shown that the student is living in the new school district for a substantial reason other than to go to school there. No such showing has been made in this case.

Having considered the evidence and testimony, it is our decision that R. [redacted]'s legal residence is that of his mother in Cranston, and, therefore, his residence for school purposes is Cranston.

Accordingly, the appeal is sustained.

  
\_\_\_\_\_  
Ennis J. Bisbano  
Hearing Officer

Approved:

  
\_\_\_\_\_  
J. Troy Earnhart  
Commissioner of Education

May 1, 1990