

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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JUDITH H. :

vs. :

GLOCESTER SCHOOL COMMITTEE  
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DECISION

Held: School Committee did not abuse its discretion to assign students to schools by assigning Appellant's children to a school based on Appellant's residence rather than residence of Appellant's day-care provider.

August 30, 1991

## Introduction

This matter concerns an appeal by Judith H. [redacted] to the Commissioner of Education from a decision of the Gloucester School Committee denying her request that her children be allowed to attend a Gloucester public school located outside the attendance area in which Appellant resides.<sup>1</sup>

For the reasons set forth herein, we deny the appeal.

## Facts

Appellant has two children, ages 6 and 8. Appellant and her family have lived at their current Gloucester address for the past 6 years. Since the summer of 1989 Appellant has received day-care services for her children from an individual who resides in the Town of Gloucester.

In the 1990-91 school year, Appellant's older child attended Fogarty Memorial School. Her younger child attended Pinewood Park School, a facility for pre-kindergarten children.

Following the approval several years ago of a bond issue for funds to build a second elementary school, a site in western Gloucester was selected for the new school. That facility, the West Gloucester Elementary School, is scheduled to open in September 1991.

In a May 3, 1991 letter to the parents of children attending Gloucester public schools, Superintendent of Schools Raymond E. Reilly provided notice of the new school's opening. (School Committee Exhibit 1). The letter stated that redistricting and bus routes were under review. The letter also gave notice of a May 23, 1991 meeting for parents "to discuss concerns about the 1991-92 school year. We will

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<sup>1</sup> This appeal was heard on August 14, 1991.

talk about busing, school boundaries, programs and any other issues that you may want to bring up."

The redistricting of the Gloucester school district was announced at the May 23, 1991 meeting. Attendance areas were announced for each of the Gloucester elementary schools, i.e., Fogarty Memorial and the new West Gloucester School. Superintendent Reilly testified that a child's school assignment was based upon the district in which the child's parents resided.

Appellant's children were assigned to the West Gloucester Elementary School based upon Appellant's residency in the West Gloucester attendance district. The individual who provides the day-care services for Appellant's children resides in the Fogarty attendance district.

Superintendent Reilly testified that no administrative procedure exists for exceptions to the School Department's school assignment policy, nor have any exceptions been granted. He further testified that it is the policy of the School Department to bus a child from the home of a babysitter to a school in the same attendance district provided that the bus already had to be on the babysitter's street to pick up another student living on that street.

#### Positions of the Parties

Appellant does not contest the boundaries of the attendance districts as determined by the School Committee in its redistricting of the Gloucester schools. Rather, Appellant requests a "variance" from the newly-established attendance districts so that her children may be assigned and thus transported to the school, i.e., Fogarty Memorial, which is located in the day-care

provider's attendance district. Appellant contends that such an assignment is proper given her children's two-year positive relationship with the current day-care provider, the chance that another change in day-care may have a negative impact on her children, and the difficulty that she and other working parents face in finding suitable child care.

The School Committee contends that its assignment of Appellant's children to West Glocester Elementary School based upon Appellant's residency in that attendance district is in accordance with Rhode Island school law. The School Committee further asserts that no allegation or showing was made that Appellant's children have unique educational needs so as to require their assignment to a school outside Appellant's district of residence.

#### Discussion

The issue of children's day-care and a school committee's authority to assign students to schools was previously considered in James and Doreen Pratt v. Chariho Regional High School District Committee, (Commissioner of Education, July 8, 1988). The appellants in that case also sought to have their child assigned to the school located in the day-care home's attendance district rather than the district in which they resided.

We upheld the school committee's denial of the appellants' request in Pratt on the grounds that the school committee acted within its authority under R.I.G.L. 16-2-18 ("the entire care, control, and management of all the public school interests" is vested in the school committee), R.I.G.L. 16-2-16 (the school committee shall formulate "rules and regulations for the attendance and classification" of

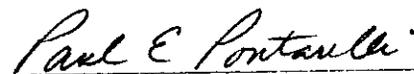
pupils), and R.I.G.L. 16-2-2 (the school committee shall establish "a sufficient number of schools in convenient places . . .").

As we stated in the Pratt case:

It is clearly permissible for a school district to determine attendance areas and assign students to certain schools based upon their place of residence. This practice facilitates efforts to predict enrollment figures for purposes of proper planning and operation of the district's schools. . . The attendance area policy also provides for stability and continuity during the student's education. (footnote omitted).

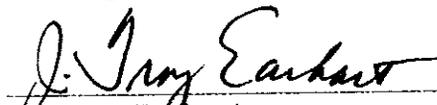
Appellant and her children reside in that part of Gloucester which has been placed in the West Gloucester Elementary School attendance district. Appellant does not dispute the boundaries of the attendance districts as drawn by the School Committee. While there is no doubt that Appellant and her husband have faced serious difficulties in attempting to balance their professional and family responsibilities, it is well established that the assignment of students to schools rests within the discretion of the School Committee. In this case the School Committee relied on the residency of the parents as the basis for its school assignments. We find that the School Committee did not abuse its discretion in assigning students to schools on this basis.

Accordingly, the appeal is denied and dismissed.



Paul E. Pontarelli, Esq.  
Hearing Officer

Approved:



J. Troy Earhart  
Commissioner of Education

August 30, 1991