

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATION

COMMISSIONER OF
EDUCATION

JOHN A. I. DOE

VS.

JOHNSTON SCHOOL
DEPARTMENT

DECISION

HELD: Petition has shown
sufficient grounds for student to
attend Johnston Public Schools on
an interim basis.

February 17, 1993

In this case the petitioner, Donna Miller, is requesting an interim order to allow her nephew to attend school in Johnston. The testimony indicates that the student in question, who used to live with his mother in Providence, is now living in Johnston with his aunt, Donna Miller, because his mother cannot control his behavior. The record also seems to establish that Providence unilaterally disenrolled this student when it discovered that he was living in Johnston.

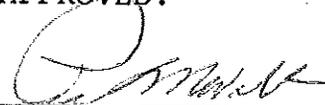
We find, for purposes of this interim order only, that the petitioner has made a preliminary showing of a "substantial reason" other than a simple desire to attend school in Johnston for her nephew to be living with her in Johnston. We therefore find for purposes of this hearing that this student is entitled to attend the public schools of Johnston. Laura Doe vs. Narragansett School Committee, Commissioner of Education, 1984.

We recognize that Providence erred in unilaterally disenrolling this student but we see no reason why this fact should change our decision since this student is now living in Johnston.

CONCLUSION

This student is entitled to enroll in the public schools of Johnston until this matter can be heard on the merits. Providence will be added as a party.

APPROVED:



Peter McWalters
Commissioner



Forrest L. Avila
Hearing Officer

DATE: February 17, 1993