

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

ROGER L.
V.
SMITHFIELD SCHOOL COMMITTEE

DECISION

Held: Student is resident of Smithfield
for school purposes.

Date: September 6, 1994

The subject of this hearing is a teenage girl who was living with her mother in Providence until they had a "falling-out". She then went to live with her aunt in Smithfield. This girl's father lives in North Providence and is an unemployed student. He lives with his son in a two bedroom apartment there. Under a Family Court Decree the parents have joint custody of their children.

Under Rhode Island Law in order for a student to go to school in a town where neither parent is living the student must show two things:

1. that the student is actually living in the new town of residence and that:
2. the student is living there for a substantial reason other than to go to school there. Laura Doe v. Narragansett School Committee, April 17, 1984, Commissioner of Education.

The record in this case establishes that there is not enough room in the father's apartment for his daughter to take up residence there. Moreover, based upon the record, we find that there is such a level of conflict between this student and her mother that it would be unwise to believe that they should be expected to stay together.

Under these circumstances we find that there is a substantial reason, other than to go to school there, for this student to be living in Smithfield. We therefore find that she is a resident of Smithfield for school purposes.

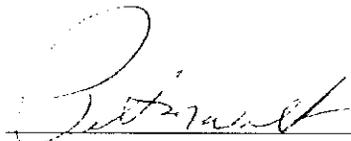
Conclusion

This student is a resident of Smithfield for school purposes.



Forrest L. Avila, Hearing Officer

Approved:



Peter McWalters, Commissioner

September 6, 1994

Date