

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

JOHN B.G. DOE  
V.  
BARRINGTON SCHOOL COMMITTEE  
AND BRISTOL/WARREN REGIONAL  
SCHOOL DISTRICT

DECISION

Held: Student is a resident of Warren for  
school purposes.

Date: December 22, 1994

### Introduction

The petitioner in this case is seeking a decision to establish his residency for school purposes. A hearing was held on November 10, 1994. Counsel for the petitioner and for the Barrington and Bristol/Warren school districts attended this hearing.

### Background

The 18 year old student in this case has been a resident of Barrington for most of his life. He is now an inpatient at Bradley Hospital in East Providence. Barrington pays for his education at a program called Vocational Resources which is located in Providence. Bradley Hospital has now developed an outpatient program for this student which it hopes to implement in the next few weeks. This program would involve this student living in an apartment with very close supervision by Bradley case workers. The student's adoptive mother has found an apartment for him in the town of Warren. In the present case Warren is arguing that Barrington should remain responsible for this student's education at Vocational Resources even after he moves to Warren.

### Discussion

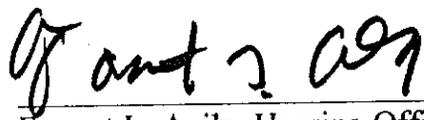
At the outset we note that the "charge-back" provision of G.L. 16-7-20 is not applicable in this case since the Warren apartment where the student will be living is not a "state-operated or supported community residence ... licensed by any Rhode Island state agency". Furthermore this placement does not seem to have been arranged by any Rhode Island state agency. The law at G.L. 16-7-20 therefore does not allow Warren to charge Barrington for the cost of this student's education.

Under the common law a student of majority age or an emancipated minor is a resident for school purposes of whatever town he or she lives in. G.L. 16-64-1. Moreover this student will obviously have moved to Warren for a substantial

reason other than to attend the public schools of Warren. He therefore meets the common law test for school residency in Warren. In the Matter of Priscilla H., Commissioner of Education, September 7, 1983.

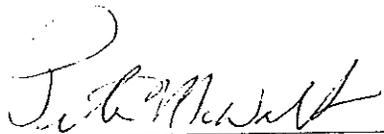
Conclusion

This student will be a resident of Warren for school purposes when he moves into an apartment located in Warren.



Forrest L. Avila, Hearing Officer

Approved:



Peter McWalters, Commissioner

December 22, 1994

Date