

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN THE MATTER OF STUDENT JANE A.S. DOE

DECISION

Held: Student is a resident
of Cranston, not North
Providence, for school
enrollment purposes

DATE: JANUARY 17, 1997

Introduction

This matter concerns a request by the North Providence School Department for a residency determination under R.I.G.L. 16-64-6.¹

For the reasons explained below, we find that student Doe resides in Cranston, not North Providence, for school enrollment purposes.

Background

Student Doe is 16 years old and in her junior year at North Providence High School. She is enrolled at an address which is adjacent to the High School property. On several occasions during the current school year, she was observed by an investigator for the School Department leaving a RIPTA bus at the rear entrance of the High School at the start of the school day. On other mornings the investigator monitored student Doe's enrollment address and did not see her leave for school. Student Doe did attend school on those particular days.

The investigator also obtained a copy of a mortgage recorded in the city of Cranston on January 3, 1995, which shows that student Doe's parents own a residence in Cranston. [Petitioner's Exhibit 3]. Student Doe's father testified that he and his wife, while living in North Providence, purchased a home in Cranston. He further testified that student Doe lives with him and his wife at the Cranston home on weekends, and she stays with his niece at the enrollment address in North Providence during the week. As for the reasons why student

1 The statute directs that residency disputes shall be resolved by the Commissioner of Education or his designee. A hearing was held in this matter on December 20, 1996, notice of which was provided to the Cranston School Department.

Doe lives with his niece during the week, student Doe's father spoke of his daughter's reluctance to leave the school to which she was accustomed, and he made general reference to the long hours he and his wife work when "sometimes we have two jobs." [Transcript, p. 15]. At the conclusion of the hearing student Doe's father stated that

the reason my daughter goes to that school, she wants to stay there because she's been there for several years and she's almost in the senior year. She said she's used to [the] curriculum of the school and she loves staying there. For her to move, it would throw her completely backward . . . [to] move from there and go to another school . . . If I move her from there, it will affect her seriously, definitely. [Tr., pp 22-23].

Discussion

We have previously stated that to establish residency for school enrollment purposes, "all that has to be shown is actual abode in the town, and the move to the town was not made for the purpose of going to school in the town." In the Matter of Priscilla H., September 7, 1983, p. 17. In discussing the applicable law in this area, we have noted that

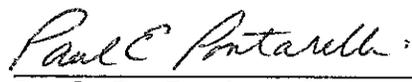
It is generally held that a child has the right to attend the schools of the district in which he is actually living. The only major exception is when he is living in that district solely for the purpose of attending the school there. Jane A. Doe vs. Cranston School Committee, February 9, 1989, p. 6.

In this matter, a dispute exists as to where student Doe is "actually living." We find it unnecessary to resolve this dispute in light of her father's closing statement at the hearing, quoted above, with regard to her continued attendance at North Providence High School. For if student Doe is actually residing at the North Providence address during the week, we find that the residency is

for the purpose of attending North Providence High School. Thus, student Doe either is living with her parents in Cranston, and therefore not eligible to attend North Providence High School, or she is living with her father's niece in North Providence for the purpose of attending the High School, which is not a valid residence for school enrollment purposes under the law cited above. In either case, the North Providence School Department is not responsible for student Doe's education.

Conclusion

Student Doe is a resident of Cranston, not North Providence, for school enrollment purposes. In the circumstances of this case, we find that student Doe must be allowed to complete the current semester at North Providence High School consistent with R.I.G.L. 16-64-8.² As of the end of the semester, student Doe is entitled to a public education from the city of Cranston. We shall provide a copy of this decision to the Cranston School Department to assist in student Doe's transition to that system.



Paul E. Pontarelli
Hearing Officer

Approved:



Peter McWalters
Commissioner of Education

Date: JANUARY 17, 1997

2 Student Doe's parents have the right to request that their daughter remain at North Providence High School on a tuition basis. It is within the School Committee's discretion to approve or deny such a request.