

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN RE RESIDENCY OF JOHN C.T. DOE

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Held: Student living with his grandparents because
of his behavior problems and their poor
health is a resident of Scituate for school
enrollment purposes

DATE: JUNE 5, 1998

Introduction

This case concerns a request by the Scituate School Department for a residency determination regarding student Doe.¹

For the reasons set forth below, we find that student Doe is a resident of the town of Scituate for school enrollment purposes.

Background

At the time of the request for the residency determination, student Doe was living with his grandparents in Scituate and attending the 11th grade at Scituate High School. Student Doe's mother, a single parent, resides in Johnston.

Student Doe's mother enrolled her son in the Scituate school system during the summer of 1997. She listed her parents' address in Scituate on the enrollment form, telling school officials that her parents were ill and she planned to move in with them. Student Doe's mother never moved to her parents' home in Scituate, however, for fear that she would lose her public housing in Johnston.

Student Doe did in fact move in with his grandparents in Scituate at the end of the summer of 1997. He had previously attended Johnston High School until December 1996, at which time he was suspended for the remainder of the school year for bringing a sword to school.² In 1997, student Doe's troubles with the law

1 The undersigned hearing officer was designated by the Commissioner of Education to hear and decide this matter. Hearings were conducted on November 10, 1997 and January 12, 1998. As a party in interest, the Johnston School Committee was provided with notice of this proceeding.

2 Student Doe received tutoring services and successfully completed the 10th grade at Johnston High School in June 1997.

continued. He was arrested for vandalism and, in the summer of 1997, he was arrested for shoplifting and an assault. Student Doe's mother further testified that her son engaged in violent behavior in the home, and that he has received counseling for his behavior problems.

The record also shows that student Doe's grandparents are elderly and in poor health. His grandfather is still recovering from a stroke. He requires assistance moving around the house and, because of a poor memory, he needs help with his medication. Student Doe's grandmother has heart problems which required her to be hospitalized late in 1997.

Student Doe's mother testified that her son is at her parents' home during the night and early morning, that one of her sisters will stay with her parents during the day, that her son returns to the home after school, and that she is at her parents' home during dinnertime and the early evening.

Positions of the Parties

The Scituate School Department contends that student Doe moved to his grandparents' home in Scituate for the purpose of finding a new district in which to attend school and thereby avoid his difficulties in the Johnston school system. The School Department relies on two recent decisions of the Commissioner in support of its argument that student Doe's residency in Scituate is not valid for school enrollment purposes.³ It also questions student Doe's ability to be of significant

3 In Re: Residency of Jane A.X. Doe, April 25, 1997 and In Re: Residency of John CB Doe, June 9, 1997.

assistance to his grandparents given their serious health problems.

Student Doe's mother contends that, because of her son's increasing behavior problems in and out of the home, she needed to remove him from his Johnston environment. This need coincided with her ailing parents' need for assistance in their home. According to student Doe's mother, he has always behaved better with his grandparents, particularly with his grandfather, who is a good role model for him. In any event, her parents' health requires that someone be there to help them on a continuous basis. Student Doe's presence at the Scituate home helps fill that need, particularly during the night.

Discussion

As we stated in the case of In Re: Residency of Jane A.X. Doe,

Under the common law, a child living apart from his or her parents can establish residency for school purposes by (1) actually residing in the town and (2) demonstrating that the move to the town was not made for the purpose of going to school there. [footnote omitted]. Many times the focus of our inquiry in school residency matters is to determine if there is a substantial reason, other than school attendance, which prompted the child's residence within the district.

The evidence in this matter clearly establishes that student Doe is actually residing in the town of Scituate. We are further satisfied that student Doe's mother has proven that her son moved to his grandparents' home in Scituate for a substantial reason other than for the purpose of attending school there.

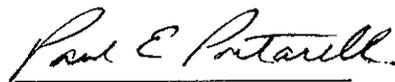
In both cases cited by the School Department, the student whose residence was being challenged was living with an aunt. In the Jane A.X. Doe case, we found an

absence of medical documentation to establish that mental health concerns superceded the apparent school-related reasons for the student's place of residence. In the John C.B. Doe case, we found that the student's mother had completed her recuperation from surgery and, as a result, no substantial reason other than school attendance existed for the student's place of residence.

Here, we find no reason to doubt the circumstances which prompted the decision to have student Doe leave his mother's home in Johnston and reside with his grandparents in Scituate. We believe that the concerns regarding student Doe's deteriorating behavior at home and the needs of his elderly, ailing grandparents formed the basis for a substantial reason other than school attendance for student Doe's move to Scituate. In our view, these concerns remained viable during the period under review in this proceeding, and therefore establish a valid basis for residency in Scituate for school enrollment purposes.

Conclusion

Student Doe is a resident of Scituate for school enrollment purposes.



Paul E. Pontarelli
Hearing Officer

Approved:



Peter McWalters
Commissioner of Education

Date: JUNE 5, 1998