

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN RE: RESIDENCY OF JOHN C.U. DOE

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Held: In the absence of evidence showing
he lives elsewhere, student Doe
remains a resident of the town of
Narragansett for school enrollment
purposes.

Date: June 11, 1998

Introduction

This matter concerns a request by the North Providence School Department for a residency determination with regard to student Doe.¹

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

Background

Student Doe is 11 years old. He is enrolled in the 4th grade in the Narragansett school system.

In late March 1998, student Doe's mother sought to enroll him in the North Providence school system. She told school officials that her son would be residing with his grandmother at the latter's North Providence address for approximately 12 weeks while he underwent testing in Boston. Student Doe's mother also stated that numerous issues existed in Narragansett with regard to the educational services being provided to her son.

The North Providence School Department does not have any evidence that student Doe is actually living with his grandmother in North Providence. According to the Narragansett School Department, student Doe is still enrolled in the Narragansett school system.

1 The Commissioner of Education designated the undersigned hearing officer to hear and decide this request. A hearing was conducted on April 9, 1998. Student Doe's mother and the Narragansett School Department, as parties in interest, were given notice of the hearing.

Discussion

As we recently 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].
April 25, 1997; p. 5.

There is no evidence in this matter that student Doe is actually residing in the town of North Providence. Assuming that student Doe was physically present with his grandmother, we have serious reservations as to whether the purpose of such residence was for some substantial reason other than school attendance.

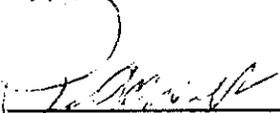
Conclusion

Student Doe is a resident of the town of Narragansett. He is required to attend public school in that town or receive an education in some other manner as provided in the compulsory attendance law.



Paul E. Pontarelli
Hearing Officer

Approved:


Peter McWalters
Commissioner of Education

Date: June 11, 1998