

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN RE: RESIDENCY OF JANE
AND JULIE DOE

DECISION

Held: Petitioners' daughters are residents of Scituate, not Coventry, for school enrollment purposes.

Date: May 30, 2002

Introduction

This is a request for a residency determination by the parents of Jane and Julie, students at Coventry High School.¹ Petitioners are asking that their daughters be allowed to continue to attend Coventry High School.

Background

Petitioners are married and have 5 children. In August 2000 they separated. The wife remained in the Coventry home with the children and the husband rented a one-bedroom apartment in Coventry.

In September 2001 Jane and Julie began their sophomore year at Coventry High School. Petitioners reconciled early in 2002 and sold their Coventry home in January 2002. The closing on the sale of the home took place “probably the second week of January . . .”² Unable to find a suitable rental property in Coventry, Petitioners rented a home in Scituate and moved there with two of their children.

Petitioners retained the apartment in Coventry. Their oldest child (a 21-year-old son) and Jane and Julie took up residence in the apartment.³ According to Petitioners,

we felt as though that would satisfy the residency issue as far as them being able to attend Coventry High School and complete their education. It’s not an ideal concept. It’s probably not the perfect solution, but we saw it as a viable solution and one that we would be able to -- one that would work for us and basically allow the girls to attend Coventry High School. [Transcript, p. 11].

Following the move, Jane and Julie stayed at the home in Scituate at least three nights a week while they adjusted to the new arrangement. They looked after their 6-year-old brother while their parents worked.⁴ They also spent time with their grandmother in Coventry assisting her following a recent stroke.

¹ We have used fictitious names to preserve the family’s right to privacy. Petitioners’ request was received on March 28, 2002. The Commissioner of Education designated the undersigned hearing officer to hear and decide the request. A hearing was held on April 22, 2002. The Scituate School Committee was provided with notice of this matter, but it was not represented at the hearing.

² Husband’s testimony, p. 35 of the transcript.

³ Petitioners pay the rent and the utility bills for the apartment.

⁴ The 6-year-old brother attends school in Scituate.

In January 2002 the School Department received anonymous reports that Jane and Julie were living in Scituate, not Coventry. The matter was referred to the attendance officer for investigation. A school official informed Julie that the School Department would be conducting surveillance to determine her actual residence.

The first semester at Coventry High School ended on January 21, 2002.

The attendance officer began her surveillance on February 4, 2002. On that date, as well as the next two days, she monitored the Coventry apartment from 6:45 to 7:35 in the morning.⁵ She did not see anyone leave the apartment. Jane attended school on the 4th and the 6th, and Julie attended school on the 4th and the 5th.⁶ On February 7, 8, 11 and 25, 2002, the attendance officer monitored Petitioners' home in Scituate. On the 7th, 8th and 25th, she saw Jane and Julie leave the home in the morning with their father. She observed them leaving the Scituate home with an older brother on the 25th.⁷ On February 28th, the attendance office returned to the Coventry apartment. She did not see anyone leave the apartment that morning.⁸

Positions of the Parties

Petitioners contend that Jane and Julie live in two locations, one of which is Coventry. They claim that the surveillance conducted in this case does not present a complete picture of their daughters' residence. They also maintain that their marital and financial difficulties have been an emotional and physical burden on their daughters, and that a hardship exception to the residency rules is warranted in this case.

The School Committee contends that Jane and Julie are residents of Scituate because (1) they are presumed to be residents of that town under Rhode Island General Law 16-64-1 given their parents' residence there, (2) the evidence shows that they actually live in Scituate, and (3) there is no valid reason for them to reside in Coventry other than to go to school there.

⁵ School starts at 7:35 a.m. at Coventry High School.

⁶ Jane and Julie both were tardy on the 4th.

⁷ Jane and Julie attended school on all these dates. Julie was tardy on the 11th.

⁸ Jane was tardy for school on that date; Julie had an excused absence.

Discussion

We find that this case closely resembles, and therefore is controlled by, In Re: Residency of Andrew V., decided on July 24, 2001. In that case, the student moved from North Kingstown to East Greenwich in May 2000. Andrew was a sophomore at North Kingstown High School at the time. The move to East Greenwich occurred during difficult family circumstances, including the breakup of the parents' marriage. Andrew completed his junior year at North Kingstown after his mother wrote a letter indicating that Andrew "will be living" with his grandmother in North Kingstown. Andrew did not live with his grandmother, however. He continued to live in East Greenwich.

Because the evidence clearly demonstrated that Andrew was a resident of East Greenwich as of May 2000, we held that his entitlement to attend North Kingstown High School ceased at the end of the 1999-2000 school year.⁹ In doing so we stated that

While we are appreciative of the family's present circumstances and the fact that Andrew would be well served by finishing his high school career in North Kingstown, any arguments as to flexibility in the terms under which this student would be allowed to continue in attendance, despite his present ineligibility, are more properly presented to the members of the School Committee. We have also implicitly suggested to mother that the importance of school attendance may warrant her relocation back to North Kingstown, if at all possible. [Decision, p. 3].

We find here that the evidence shows that Jane and Julie became residents of Scituate after the sale of the family home in Coventry in the second week of January 2002. To the extent Jane and Julie may have been present in Coventry since that time, their presence was for the purpose of going to school there, and therefore not a valid residence for the purpose of school enrollment. Consequently, Jane and Julie's entitlement to remain at Coventry High School ended at the close of the first semester, i.e., January 21, 2002. Because there are only three weeks remaining in the school year, we will not order that Jane and Julie be transitioned to Scituate at this time.¹⁰ However, they

⁹ R.I.G.L. 16-64-8 states that "When a student changes his or her residence during the course of a semester the student shall be allowed to complete the semester in his or her original city or town of residence." The original school district is not obligated to provide transportation to students who exercise this option.

¹⁰ See In Re: Residency of John C.B. Doe, June 9, 1997.

should immediately be enrolled in Scituate High School for the 2002-2003 school year and prompt arrangements should be made to ensure that they have course schedules for the 2002-2003 school year.

Conclusion

Petitioners' daughters Jane and Julie are residents of Scituate for school enrollment purposes. They may complete the 2001-2002 school year at Coventry High School. We order Petitioners to immediately enroll Jane and Julie in the Scituate school system and to take the necessary steps to ensure that Jane and Julie have an appropriate course schedule for the 2002-2003 school year.

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

Date: May 30, 2002