

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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**RESIDENCY OF G. DOE**

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**Decision**

Held: Student became a resident of Pawtucket prior to completion of his junior year and therefore is not entitled to remain at North Providence High School for his senior year.

Date: August 11, 2005

## **Introduction**

This matter concerns a residency determination that has been requested under Rhode Island General Law 16-64-6.<sup>1</sup>

## **Background**

Student Doe completed his junior year at North Providence High School in June 2005. He did so with this matter pending. In fact, the subject of Doe's residency has been a matter of dispute between his family and the North Providence School Department for the past three years. During this time, Doe's enrollment in the North Providence system has been based on his aunt and uncle's address in North Providence. The School Department has received reports that Doe actually lives with his parents in Pawtucket.

In the summer of 2004, the School Department requested an updated registration statement from Doe's parents. On August 31, 2004, Doe's mother provided an affidavit stating that she and her son were residing at the previously-mentioned address in North Providence. Doe's mother also provided a notarized statement from her sister stating that Doe and his mother "are living with me [in North Providence] temporarily until they can find an apartment in North Providence." [School Committee Exhibit 4].

The School Department's attendance officer investigated Doe's residency during the 2004-05 school year. On the morning of November 4, 2004, the officer observed the North Providence address and did not see Doe or his mother at the premises. Doe attended school that day. In February 2005, the officer spoke to two of the aunt and uncle's neighbors, who stated they had not seen a woman or adolescent living with the family that resided at the home in question. In March 2005, the officer again observed the North Providence address one morning and did not see Doe or his mother. Doe attended school on that date as well. The attendance officer testified that she believes Doe lives with his parents in Pawtucket.<sup>2</sup>

Doe's parents testified that they have had marital difficulties which caused Doe's mother to live with her sister in North Providence for most of the 2004-05 school year. They further testified that, except for occasional visits to his father's address in Pawtucket,

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<sup>1</sup> The Commissioner of Education designated the undersigned hearing officer to hear and decide the request. Hearings were held on June 30 and July 14, 2005. The Pawtucket School Committee, a party of interest in this case, participated in the hearings.

<sup>2</sup> The attendance officer did not visit the Pawtucket address and therefore has never seen Doe there.

Doe lived with his aunt and uncle in North Providence during the 2004-005 school year until mid-May. At that time, Doe's parents reunited and Doe took his clothing and belongings and moved in with his parents in Pawtucket.

Doe's aunt essentially confirmed the parents' testimony. She placed Doe's move to Pawtucket at the end of May 2005.

The North Providence school year concluded on June 21, 2005.

### **Positions of the Parties**

The North Providence School Committee contends that the evidence in this matter shows that Doe did not live in North Providence on a regular basis during the 2004-05 school year, that the time he spent in North Providence was solely for the purpose of attending school there, and that he established residency in Pawtucket prior to the end of the school year (i.e., in May 2005) when he moved in with his parents.

Doe's parents contend that they arranged to have Doe live in North Providence with his aunt and uncle during the 2004-05 school year so that he would be insulated from the marital difficulties they were experiencing. Because Doe did not leave North Providence until May 2005, he was entitled to complete the second semester of his junior year there, and, as a result, he now has the statutory right to enter his senior year at North Providence High School.

The Pawtucket School Committee contends that Doe lived in North Providence for a legitimate reason during the 2004-05 school year, and that he is entitled to attend North Providence High School for his senior year under the plain language of R.I.G.L. 16-64-8.

### **Discussion**

While the parties disagree on several factual issues in this case, it is uncontroverted that student Doe has been residing in Pawtucket since mid-to-late May 2005. The parties dispute the legal implications of this fact, however. The dispute arises from the following portion of R.I.G.L. 16-64-8:

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. If the student is a senior or about to enter his or her senior year the student shall be allowed to complete his or her senior year in his or her original city or town of residence.

In the case of Jane J. Doe v. Warwick School Committee,<sup>3</sup> a student attending Pilgrim High School moved from Warwick to Providence in April of her junior year. Because the statute quoted above did not exist at the time, the student left Pilgrim High School in April. Shortly thereafter, §16-64-8 was enacted. While still living in Providence, the student invoked the second sentence quoted above in an attempt to re-enroll at Pilgrim High School “for purposes of ‘getting a Pilgrim degree.’”<sup>4</sup> We denied the student’s appeal, finding that the student’s move from Warwick prior to the end of the junior year fell short of meeting the “about to enter his or her senior year” requirement. Although the student in Jane J. Doe did not expressly raise the first sentence of §16-64-8, it is clear that the decision requires that a student be physically present in the original city or town of residence at the time he or she is “about to enter his or her senior year” in order for the statutory right to complete the senior year in the same school to attach.<sup>5</sup>

### **Conclusion**

Because student Doe is a resident of Pawtucket and did not live in North Providence at the conclusion of his junior year at North Providence High School, he is not entitled to complete his senior year there under R.I.G.L. 16-64-8.<sup>6</sup>

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Paul E. Pontarelli  
Hearing Officer

Approved:

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Peter McWalters  
Commissioner of Education

Date: August 11, 2005

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<sup>3</sup> Decided November 14, 1989.

<sup>4</sup> Decision, p. 2.

<sup>5</sup> See also, In the Matter of Kevin O., February 20, 2002.

<sup>6</sup> Our decision applies to student Doe’s circumstances as set forth in the record of this case. If student Doe’s circumstances were to change, they would need to be examined in light of the principles governing residency and student enrollment.