

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN THE MATTER OF THE RESIDENCY OF M. DOE

Decision

Held: Student living with his aunt and uncle is a resident of Providence, not Cranston, for school enrollment purposes.

Date: October 6, 2006

Introduction

This is a residency request filed on behalf of student Doe by his aunt and uncle.¹

Background

Student Doe is 16 years old. He attended Central High School in Providence during the 2005-06 school year. He lived with his parents in Providence at the time.

In late July 2006 Doe moved to Cranston to live with his aunt and uncle. They live in a two-bedroom home that is part of a duplex.² Two younger children live there as well. Doe's aunt and uncle and the younger children occupy the two bedrooms. Doe sleeps downstairs on a portable bed. He brought some clothes with him, which he keeps in the basement. Doe stays at the Cranston home during the week and stays with his parents in Providence on the weekend.

Doe is a talented football player and he plays on a youth football league team that is coached by his uncle. Doe's father, who is a paraplegic, works one and a half jobs. His work day begins at 6:30 in the morning. Doe's mother works a midnight shift and she does not return home until 8:30 or 9:00 a.m.

De was absent 46 days and tardy 37 days last year at Central High School. His behavior is not a problem, but he shows little initiative with regard to his education. Doe is currently enrolled at Hope High School.

Positions of the Parties

Petitioners contend that Doe's uncle can monitor his activities better and be able to get him to school in Cranston on a timely basis if Doe lives with his aunt and uncle. They also argue that Cranston East High School will be a better environment for Doe and will offer him more opportunities. In Petitioners' view, Doe "will be better off" at Cranston East because they believe the student-teacher relationship there is preferable to that which exists in Providence.

¹ The Commissioner of Education designated the undersigned hearing officer to hear and decide the request. A hearing was held on September 20, 2006. Members of Doe's family and representatives of the Cranston and Providence school departments attended the hearing.

² At times, Doe's uncle will reside with his mother in Providence. The uncle's driver's license lists his mother's home in Providence as his address.

The Cranston School Department contends that, based on the testimony of Doe's uncle and father, Doe is living in Cranston because of the family's perception that Cranston has a better school system. Under Rhode Island law, this is not an acceptable reason to enroll a child in school in a city in which his parents do not reside.

The Providence School Department agrees with Cranston, calling Doe's move to Cranston a mere residence of convenience. Providence recognizes that Doe had issues with last year's enrollment and it has directed resources to address Doe's educational program at Hope High School.

Discussion

Petitioners' interest in Doe's well-being and future is admirable. Cranston and Providence correctly point out, however, that the primary basis for Petitioners' concern is Doe's past academic performance and his future educational opportunity. Petitioners realize how important Doe's schooling is, and they have taken him into their Cranston home with the hope of improving his educational prospects. This is not a permissible reason to support a school enrollment in a city or town in which the child's parents do not live.

Under Rhode Island General Law 16-64-1, children are generally presumed to reside in the same city or town as their parents for purposes of school enrollment. The presumption is rebuttable, but it is the family's burden to show that the child is living away from his or her parents for a substantial reason other than school attendance.³ Petitioners have not met their burden in this case. We therefore find that Petitioners have not established a Cranston residency for student Doe.⁴

³ See In the Matter of the Residency of C. Doe, September 28, 2006.

⁴ In so finding, we do not mean to discourage or invalidate attempts by Doe's family to enlist members of their extended family, neighbors or parents of classmates in an effort to assist Doe in getting to his Providence school on time.

Conclusion

Student Doe is a resident of Providence, not Cranston, for school enrollment purposes.

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

Date: October 6, 2006