

Jurisdiction and Travel of the Case

This is a residency case. Pawtucket is requesting the Commissioner to rule that the respondent parent and her three children are no longer residents of Pawtucket for school purposes. Jurisdiction is present under R.I.G.L.16-39-1, R.I.G.L.16-39-1 and R.I.G.L.16-64-6.

Positions of the Parties

The Pawtucket School District

Pawtucket contends that respondent parent and her three children are now living in Taunton, Massachusetts and that the three children are therefore not eligible to attend school in Pawtucket Rhode Island.

The Taunton, Massachusetts, School District

Taunton was given notice of the pendency of this hearing, but elected not to participate in it.

The Parent

The parent concedes that she is now living in Taunton, Massachusetts, though she indicates that until recently she was living with her sister in Pawtucket until problems with her sister's landlord developed. She testified that family problems have caused her at various recent times to live in Brockton, Massachusetts, Central Falls, Rhode Island, Providence, Rhode Island, Pawtucket, Rhode Island, and now Taunton Massachusetts. She hopes to move to East Providence, Rhode Island or to Seekonk, Massachusetts this summer.

Findings of Fact

It is evident from the testimony in this case, along with documentary exhibits and photographs that the respondent parent and her children are now living in Taunton, Massachusetts. Her housing in Taunton presently appears to be "a fixed, regular, and adequate nighttime residence," although there is a possibility that she will move to East Providence or Seekonk this summer.

Conclusions of Law

The Federal McKinney Homeless Act allows a student to finish the school year in her or his original school of residence if the student becomes homeless during the course of the school year even if the student has obtained a fixed, regular, and adequate nighttime residence” in a new school district. 42 U.S.C. 11431, et seq. Rhode Island school law allows a student to complete the semester in her or his original school of residence if for any reason the student moves to another town. (Seniors may complete the school year.) R.I.G.L.16-64-8

Discussion

It is difficult to determine from this record exactly when this family moved to Taunton, Massachusetts. As a practical matter this case is being heard in the first week of June just before the end of the school year. We think that either under the McKinney Homeless Act, the Rhode Island School residency law, or good practice, these students must be allowed to complete the few days left of the school year in Pawtucket.

Conclusion

Our decision in this case must be in favor of the Pawtucket school district. We find that the respondent parent and her children are now living in Taunton, Massachusetts for school purposes and that, at the conclusion of the 2006-2007 school year, her three children will no longer be eligible to attend the public schools of Pawtucket, unless the parent can document that she has found a dwelling in Pawtucket in which she and her children are actually residing.

APPROVED:

Forrest L. Avila, Hearing Officer

Peter McWalters, Commissioner

June 22, 2008
Date