

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

.....
Student C. Doe

v.

East Greenwich School Department
.....

DECISION

This case hinges on whether or not this student is living with his grandmother in East Greenwich for a substantial reason other than to attend the public schools of East Greenwich. The mother of this student lives in Smithfield. The father lives in East Providence. The grandmother lives in East Greenwich. Although this student may not initially have been a resident of East Greenwich for school purposes, conditions relating to the father and mother have changed so that a finding is now made that the student is a resident of East Greenwich for school purposes.

DATE: September 2, 2011

Jurisdiction and Travel of the Case

The instant matter comes before the Commissioner of Education on the issue of a student's residency for school purposes. Jurisdiction is present under R.I.G.L.16-39-1, R.I.G.L. 16-39-2, and R.I.G.L.16-64-4.

Statement of the Case

This case hinges on whether or not this student is living with his grandmother in East Greenwich for a substantial reason other than to attend the public schools of East Greenwich. The mother of this student lives in Smithfield and the father lives in East Providence.

Conclusions of Law

Under Rhode Island school residency law a student who is not living with his parents must demonstrate before he or she can go to a school in a town where his or her parents do not live that: (a) the student is in fact living in a different town; and, (b) the student is living in that town for a substantial reason other than to go to school there.¹

Findings of Fact

This case appears to have begun as an attempt on the part of the father to send his son to live with the father's mother, the student's grandmother, for the purpose of enrolling the student in the public schools of East Greenwich.² At the time, since the sole purpose of this move was for school enrollment purposes, such change in residency would not have allowed the student's enrollment in the East Greenwich school system.

Soon after the student's move to East Greenwich the father suffered a stroke which left him greatly incapacitated and in need of considerable daily care.³ It is determined that this student is unable to now live with his father in East Providence because of his father's medical condition.

Based upon the testimony in this case it is also determined that the mother, who lives in Smithfield with two other children, cannot control her son's behavioral issues.⁴ For this reason the son is unable to live with his mother in Smithfield. However, the evidence does establish that to a reasonable extent the student's grandmother is able to control his behavior and provide him with a stable living environment. Accordingly, because the student is neither able to live with his mother in Smithfield nor with his father in East Providence, he now lives in East Greenwich with his grandmother for a substantial reason other than to attend school in East Greenwich, thereby entitling him to attend the public schools of East Greenwich.⁵

¹ *Laura Doe vs. Narragansett School Committee*, Commissioner of Education, April 17, 1984.

² Transcript page 42.

³ Transcript, page 34.

⁴ Transcript, page 46.

⁵ *Laura Doe vs. Narragansett School Committee*, April 17, 1984.

Conclusion

Although this student may not initially have been a resident of East Greenwich for school purposes, the father's medical condition and mother's inability to control the student's behavior have changed the situation so that the student is now a resident of East Greenwich for school purposes.


Forrest L. Avila, Hearing Officer

APPROVED:



Deborah A. Gist, Commissioner

September 2, 2011

Date