

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

AND

PROVIDENCE PLANTATIONS

-----  
RESIDENCY OF STUDENT W. DOE  
-----

**DECISION**

**HELD:** The record established that student W. Doe is a resident of Coventry for school purposes in that he his living in Coventry with his maternal grandparents for a substantial reason other than to go to school in Coventry. Student W. Doe is therefore a resident of Coventry for school purposes.

**DATE:** September 4, 2012

## **Jurisdiction and Travel of the Case**

This is a school residence case. Jurisdiction is present under R.I.G.L.16-39-1, R.I.G.L.16-39-2 and R.I.G.L.16-64-6. We must determine whether the student in this case is a resident for school purposes of Warwick or of Coventry.

## **Positions of the Parties**

### **The Parent**

The parent contends that while she is presently living in Warwick, her son is now living with his maternal grandparents in Coventry for a substantial reason other than to go to school in Coventry.

### **Coventry**

Coventry contends that this student must prove by a preponderance of evidence on the record that the said student is living with his maternal grandparents in Coventry for a substantial reason other than to attend school in Coventry.

### **Warwick**

Warwick indicates that it is ready to comply with whatever order the Commission enters in this matter.

## **Findings of Fact**

1. Until recently, the 15 year old student in this case has resided with his parents in Warwick. Not long ago he took up residence with his maternal grandparents in Coventry because his mother felt that his grandparents might be better able to control this student's behavior.
2. We find from the testimony of the student's parent that the student is consistently disobedient to his parent, that he refuses to follow instructions, and that at times he simply leaves home and stays out until very late at night. This dysfunctional behavior has reached the point where wayward petitions have been filed with the Rhode Island Family Court.<sup>1</sup>
3. The testimony indicates, and we so find, that the grandparents of this student have in fact had good success in controlling his behavior.

---

<sup>1</sup> Exhibits 2 and 3.

## Conclusions of Law

Under Rhode Island school law, a student who is not residing with his parents must show two things before he or she can go to a school in a town where his or her parents are not residing:

- a) The student is in fact living in a different town; and,
- b) That the student is living in that town for a substantial reason other than to attend school there.<sup>2</sup>

Relevant to this matter in light of the grandparents' involvement is the effect of a guardianship on the issue of a student's residency for school purposes. If a student is not living with his or her parents, the appointment of a guardian will per se have no bearing on school residency<sup>3</sup>.

## **Conclusion**

The record establishes that this student is a resident of Coventry for school purposes in that he is living in Coventry with his maternal grandparents for a substantial reason other than to go to school in Coventry. The student in this case is therefore a resident of Coventry for school purposes.

---

Forrest L. Avila, Hearing Officer

---

Deborah A. Gist, Commissioner

---

September 4, 2012

Date

---

<sup>2</sup> *Laura Doe vs. Narragansett School Committee*, April 17, 1984.

<sup>3</sup> See **16-64-4. Effect of Guardianship.** – The appointment of a guardian of the person of a child pursuant to chapter 15.1 of title 33 shall not operate to change a child's residence unless the child takes up residence with the guardian and unless the guardian has been appointed for a substantial reason other than to change the child's residence for the purpose of enrolling the child in another school system. (Emphasis added.) Moreover, it has been suggested that a "policy of excluding minor children from school unless the child has a parent or legal guardian living in the district violates the equal protection and due process clauses." *Horton v. Marshall Public Schools*, 769 F.2d 1323 (1985)