

007-13

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

IN THE MATTER OF:  
RESIDENCY OF STUDENT C. DOE

**Decision**

Held: Student Doe is residing with his great-grandmother in East Providence for a substantial reason other than school enrollment.

Date: March 13, 2013

## **Introduction**

This is a request for a residency determination for a student presently attending East Providence High School.<sup>1</sup>

## **Background**

Student Doe is in the 10th grade at East Providence High School. He completed the 9th grade at the High School last year. He attended public school in Newport for the 8th grade. Doe also attended Edward R. Martin Middle School in East Providence when he was younger.

In 2011, Doe moved from Newport to his great-grandmother's home in East Providence. Doe's mother registered him in the East Providence public-school system in September 2011. He was registered from his great-grandmother's address. The address lines for Doe's mother and father on the registration form were left blank. The cell phone number written on the form belongs to Doe's great-grandmother, not his mother.

At the hearing, Doe's mother testified that

[m]y children did not like it in Newport, all their friends and family are down here, so they wanted to move back here. The house that I was moving to [in Barrington] wasn't big enough to take everybody back into, so we made the decision, with my grandmother living by herself and she is getting older, that one of the kids would stay with my grandmother. My nephew has previously had a lot of emotional problems . . . To get my nephew to stay at my grandmother's house wouldn't work. My daughter has a granddaughter . . . To put her in that small house wouldn't work because it's my daughter and my granddaughter . . .<sup>2</sup>

The record shows that Doe's mother told the East Providence attendance officer that Doe lives with his great-grandmother "to help her out because she is old," and that "there's not enough room in the house I live in."<sup>3</sup> Doe's great-grandmother drives Doe to school. She has a part-time job at a day-care center. She has received and made telephone calls to East Providence High School with regard to Doe's attendance.

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<sup>1</sup> A hearing was held in this matter on February 12, 2013. The Barrington School Department was provided a copy of the transcript and exhibits and offered the opportunity to be heard.

<sup>2</sup> Transcript, pp. 23-24.

<sup>3</sup> Transcript, p. 20.

Doe's mother lives in a four-bedroom house in Barrington. She lives with her mother, daughter, granddaughter and nephew. The latter has a room in the home's converted garage. The house has two full bathrooms.<sup>4</sup> Doe's mother testified that Doe was sent to his great-grandmother's house because he is the "best behaved" and requires "minimal supervision."<sup>5</sup> Doe's great-grandmother testified that Doe does chores around the house and is good company.

### **Positions of the Parties**

East Providence notes that the registration form filled out by Doe's mother does not provide an address for her that is different from the East Providence address listed for Doe. Citing a 2001 Commissioner's decision,<sup>6</sup> it contends that a student living with a job-holding grandparent while helping with household tasks is not a sufficient reason to establish residency away from his mother.

Doe's mother points out that she is seeking an East Providence enrollment for Doe despite Barrington's reputation as one of the top school systems in Rhode Island. She contends that there simply is no room for Doe at the Barrington house, and that he is providing assistance to his elderly great-grandmother in East Providence.

### **Discussion**

Rhode Island General Law 16-64-1 states that "[a] child shall be deemed to be a resident of the city or town here his or her parents reside." The "shall be deemed" provision creates a rebuttable presumption of residency with the parent. Because Doe's mother resides in Barrington, it is presumed in this case that Doe is a resident of Barrington. We find, however, that Doe's mother has rebutted the presumption and shown that Doe is a resident of East Providence.

There is no dispute that Doe is physically present with his great-grandmother in East Providence. He is living with her for a substantial reason other than going to school in East Providence. The record shows that the family's

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<sup>4</sup> No additional evidence about the Barrington house was presented.

<sup>5</sup> Transcript, p. 24.

<sup>6</sup> *In the Matter of Student K.V.*, May 1, 2001.

move from Newport was motivated by a desire to reconnect with family and friends (of which Doe has both in East Providence), that the family of six (including four young persons) has a house in Barrington with four bedrooms (five, if the converted garage is counted), and that Doe provides help and companionship to his elderly great-grandmother. Taken together, these facts show that Doe is living with his great-grandmother in East Providence for a substantial reason other than to enroll in school there.

As for the *Student K.V.* decision cited by East Providence, that case involved a parent who moved from Cranston to Providence, withdrew her daughter from the Cranston school system, and initiated an enrollment in Providence. When the parent was not pleased with the schools in Providence in which her daughter could enroll, she sent her daughter to live with a grandmother in Cranston and asked the Cranston school system to re-admit her. Cranston declined to do so and the parent appealed here. While we did find that the record did not demonstrate that the grandmother needed the assistance of her granddaughter, we also found “no evidence to show that this student could not live with her mother in Providence.”<sup>7</sup> We further found that

the record in this case demonstrates that the mother was completely ready to claim a Providence residence when this suited her purposes. When a school residence in Providence resulted in a school placement that the mother was not happy with, a decision was made to once again claim Cranston as this student's school residence. In sum, we find that there is no substantial evidence to indicate that this student is living with her grandmother other than because of a desire to attend the Cranston public schools. Under these circumstances we must find that this student is a school resident of Providence.<sup>8</sup>

Given the facts discussed above concerning the reason for the departure from Newport and the size of the Barrington house, and the absence of evidence that school considerations motivated Doe's move to his great-grandmother's

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<sup>7</sup> *In the Matter of Student K.V.*, May 1, 2001, pp. 2.

<sup>8</sup> *Ibid.*, pp. 2-3.

house, we find the *Student K.V.* decision to be inapplicable here. Doe's mother has rebutted the statutory presumption.

**Conclusion**

Student Doe is a resident of East Providence for school-enrollment purposes.

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Paul E. Pontarelli  
Hearing Officer

Approved:

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Deborah A. Gist  
Commissioner of Education

Date: March 13, 2013