

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

IN RE: RESIDENCY OF STUDENT B. DOE

**DECISION**

Held: Student B. Doe is a resident of the City of Woonsocket and must enroll in the Woonsocket School District for the 2013 –2014 school year.

Date: July 30, 2013

## **Introduction**

The matter before the Commissioner of Education is a request for the determination of residency for school enrollment purposes.<sup>1</sup>

## **Background**

Student B. Doe has been in the Burrillville school system for approximately two years and is currently a student at the high school level.<sup>2</sup> Student B. Doe's legal guardian is his mother who has resided in the City of Woonsocket at all times pertinent to this appeal. Student B. Doe had attended the Woonsocket public schools until he moved to the town of Burrillville to live with his grandmother only during the times when school was in session. On the weekends he would return to the City of Woonsocket to live with his mother; in addition, he would live with his mother continuously during the summer months.

Upon learning the details of Student B. Doe's split living arrangement between Burrillville and Woonsocket, Burrillville school officials notified his mother that he would not be allowed to continue in the Burrillville school system due to the determination that he was in fact a Woonsocket resident for school purposes.<sup>3</sup>

## **Positions of the Parties**

Burrillville argues that Student B. Doe is a resident of the City of Woonsocket, and his being relocated during the school-year to his grandmother's home in Burrillville is solely for the purpose of attending school in the Burrillville school system.

Without disputing her residency in the City of Woonsocket, Student B. Doe's mother argues that her experiences with the Woonsocket school system have been problematic relative to all her

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<sup>1</sup> A hearing was convened on July 15, 2013. The Burrillville and Woonsocket School Districts were represented by counsel at the hearing.

<sup>2</sup> Student B. Doe attends an alternative school in Providence under an IEP developed by Burrillville.

<sup>3</sup> Burrillville requested a formal hearing to determine residency pursuant to RIGL 16-64.1 *et seq.* in a written request to the Commissioner of Education dated May 29, 2013.

children. With particular regard to Student B. Doe, he was the victim of bullying at Woonsocket Middle School, thereby contributing to his “getting into trouble.” Consequently, an IEP that in part recommended a program of small-sized classes was developed. Woonsocket was not able to meet the provisions of the IEP. Accordingly, Student B. Doe’s mother arranged to have him live with his grandmother in order to enable enrollment in the Burrillville school system.

Counsel representing the Woonsocket School District argues that Student B. Doe has lived the greater portion of the past two school-years with his grandmother in Burrillville, and that he can only be properly educated in Burrillville. In any event, the circumstances of this case indicate a “situation in flux” with the appropriate outcome indeterminable at this time.

### **Discussion**

Arguably, Student B. Doe’s best interests would be effectively served by his continued enrollment in the Burrillville school system. However, determinations of school residency are not governed by a “best interests” analysis but rather by a categorical finding of the correct school district of residence. RIGL 16-64-1 provides that “[a] child shall be deemed to be a resident of the city or town where his or her parents reside.” Student B. Doe had attended Woonsocket schools because his mother was (and continues to be) a resident of the City of Woonsocket. When Student B. Doe’s mother concluded that Burrillville would offer better educational opportunities, he was relocated to this grandmother’s residence in the Town of Burrillville. However, the living arrangement with his grandmother was limited to the period of time when school was in session, which resulted in Student B. Doe moving back to his mother’s residence on weekends and during the summer months.

Student B. Doe is presumed to be a resident of the domicile of his legal guardian which would thereby establish the City of Woonsocket as his presumptive home. The record contains no evidence to rebut this presumption. There is no dispute that Student B. Doe’s mother is a resident of the City of Woonsocket, and there has been presented no substantial reason for his part-time move to

Burrillville other than for the purpose of obtaining his education through the auspices of its school system. Based on the record of this case, the only discernible rationale for sending Student B. Doe to Burrillville to live with his grandmother is to qualify his enrollment in the Burrillville public schools.

Student B. Doe must enroll in the district in which he resides, which is the Woonsocket School District.

**Conclusion**

Student B. Doe is a resident of the City of Woonsocket and therefore must be enrolled in the Woonsocket School District for the 2013 – 2014 school year.

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George M. Muksian  
Hearing Officer

Approved:

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Deborah A. Gist  
Commissioner of Education

Date: July 30, 2013