

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

JANE A.B. DOE

V.

PROVIDENCE SCHOOL BOARD

INTERIM ORDER DECISION

Held: Under McKinney Homeless Act
student has a right to continue
school in Providence.

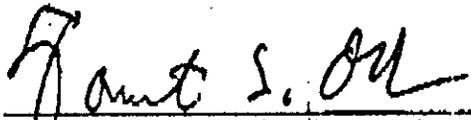
Under the Federal McKinney Act "homeless" students have the right to finish the school year in the school in which they were enrolled at the time they became "homeless" or, in the alternative, the school in which the student was last enrolled. The term "homeless" encompasses not only children who have no place to live but also those who are living in transitional housing shelters or in shelters for runaways. 42 U.S.C. 11301

The record before us shows that the petitioning student is now living in Bradley Hospital. Bradley Hospital is a psychiatric facility for children which is located in East Providence. Prior to her entry into Bradley Hospital this student had been living in Providence at the Key Shelter. She was attending Nathaniel Greene Middle School in Providence. The Key Shelter is a temporary shelter which houses children for not more than 90 days.

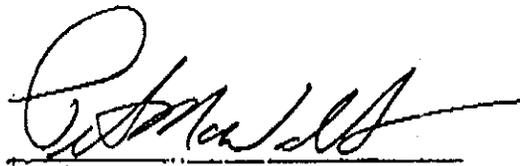
This student's original town of residence was Newport, R.I. As a result of DCYF intervention she was placed in the Cornerstone Group Home in Newport. While staying at Cornerstone she had various placements at Butler Hospital. Still, the record demonstrates that the last school system in which this student was enrolled was the Providence school system. This student, therefore, has the right to finish this school year in Providence provided it is in her best interest to do so. Petitioner suggests that she was doing well in school in Providence which is much better than she did anywhere else. Providence has therefore not rebutted the presumption that it is in this student's best interest to continue to attend school in Providence. Moreover, to the extent feasible, this student has the right to attend the Nathaniel Greene Middle School. McKinney Act, Amendments, Sec. 722.

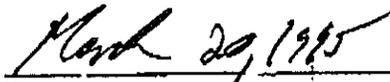
Conclusion

This student has the right to continue to attend school in Providence. Providence shall provide the required transportation.


Forrest L. Avila, Hearing Officer

Approved:


Peter McWalters, Commissioner


Date