

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

 JOHN Y. DOE
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 :
 vs.
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 :
 EAST PROVIDENCE
 :
 SCHOOL COMMITTEE
 :

D E C I S I O N

November 18, 1991

Held: When a parent and her
children are living in
a town they are residents
of that town for school
purposes.

Student John Y. Doe is presently attending the public schools of East Providence. The record in this case demonstrates beyond doubt that the parent of Student Doe has left East Providence and is now living in the Town of Warren. Indeed, the parent in this case has enrolled student Doe's brother in the Warren Public Schools.

Under the statute and the applicable cases it is quite clear that Student Doe is now a resident of Warren for school purposes. We, therefore, have no choice but to rule that John Y. Doe must be enrolled in the Warren Public Schools since there is nothing in this case to rebut the statutory rule that this is his residence for school purposes. See; Laura Doe vs. Narragansett School Committee, Commissioner of Education, 1984. We are cognizant of the fact that John Y. Doe is enrolled in a special education program. We, therefore, point out that Warren will be required to honor the Individualized Education Program (IEP) which has been developed for John by East Providence. In The Matter of Priscilla H., Commissioner of Education, 1983.

Perhaps realizing that the law clearly establishes John Doe's school residence to be Warren, John Doe's counsel has pointed out that §16-64-8 allows a student to complete the semester in his original town of residence even if his or her residence has changed during the course of the school year. We think, however, that this statute does not abridge the Commissioner's right to make a ruling on a student's residence under §16-64-2. The record in this case demonstrates that this student's residence changed during the summer and that his enrollment in the East Providence School System was, in fact, contrary to the State's residency law. We

see nothing in the statute which prevents the Commissioner from rectifying this situation. Of course, this is a somewhat moot point since we are now well into the first semester and some time will elapse in consulting with Warren to ensure an orderly transition for this special education student to the Warren Public Schools.

A copy of this decision will be forwarded to the Superintendent of Schools of Warren and to the Special Education Director of Warren. We expect Warren and East Providence to work together to facilitate the smooth transition of this student to the Warren School System and we are prepared to rehear this matter to ensure a smooth transition.

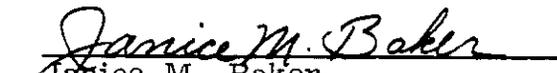
Conclusion

John Y. Doe is a resident of Warren for school purposes. East Providence will work with Warren to facilitate the smooth transition of this student to the Warren Public Schools.



Forrest L. Avila, Esq.
Hearing Officer

Approved:



Janice M. Baker
Interim Commissioner