

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

JOHN A.N. DOE
VS.
PROVIDENCE SCHOOL
COMMITTEE

DECISION

Held: Student was a resident of South
Kingston for school purposes.

Date: August 25, 1993

Finding of Fact

This is a school residency case concerning Student John Doe. The record in this case establishes that John Doe's mother lives in Coventry and that his father lives in South Kingston. John Doe, through the agreement of his parents, left his residence with his mother and went to live with his father in South Kingston. The South Kingston School Department prepared an Individual Education Plan for John. As a result of behavior problems John Doe left his father's residence and came into the custody of DCYF. DCYF placed John in a residential program in Providence.

Issue

The question before us is which city or town must pay for the cost of John Doe's education.

Conclusions of Law

In pertinent part the law provides at R.I.G.L. 16-64-1 as follows: "If the child's parents reside in different towns the child shall be deemed to be a resident of the town in which the parent having actual custody of the child resides." At R.I.G.L. 16-7-20 the law provides that a child living in a group home or residential facility "...shall have the cost of their public school education paid for by the city or town wherein the child's residence as determined by § 16-64-1 had been established immediately prior to the child's entry into the state-operated or supported community residence. The cost of the child's education shall be paid to the town where the child's group home or community residence is located ..."

At the time when DCYF took custody of John Doe it is evident that John Doe was living with his father who had actual custody of him. John Doe was therefore a resident of South Kingston for school purposes (G.L. 16-64-1) immediately prior to his entry into the group home in Providence. Under the law (G.L. 16-7-20) South Kingston must reimburse Providence for the cost of John Doe's education.

Conclusion

South Kingston must reimburse Providence for the cost of John Doe's education.

Forrest L. Avila
Forrest L. Avila, Hearing Officer

Approved:

Janicie M. Baker for -
Peter McWalters, Commissioner

8/25/23
Date