

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN RE RESIDENCY OF JOHN DOE

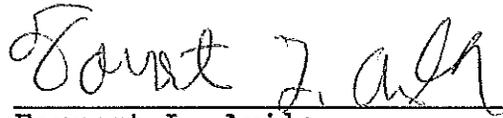
Held: Unless countervailing
affidavits or arguments
are filed administrative
summary judgment will be
granted.

DATE: JANUARY 10, 1997

John Doe was placed through a Family Court Order at the Walker School in Needham, Massachusetts. Department of Children, Youth and Families has represented that John Doe's mother has continuously resided in East Providence. We have ruled under identical circumstances that the town where the child's parent resides remains responsible for the cost of student education in an out of state facility. In Re Residency of Jane A.Q. Doe, Comm. of Ed. We therefore elect to treat DCYF's request for a hearing as a request for administrative summary judgment. We will grant this motion unless within 30 days from the date of this decision East Providence files an affidavit based upon personal knowledge denying that John Doe's mother lives in East Providence. East Providence may also file a Memorandum of Law on any issue it wishes to present.

Conclusion

East Providence will be found responsible for this student's education unless it presents countervailing affidavits or arguments.



Forrest L. Avila
Hearing Officer

Approved:



Peter McWalters
Commissioner

DATE: JANUARY 10, 1997