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STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

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**In Re Residency of J.R**

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**Decision on Request for**  
**Rehearing**

Held: Request for rehearing is denied

DATE: December 5, 2000

## Background

On August 30, 2000 the Foster-Glocester Regional School Committee requested immediate rehearing in the above matter.<sup>1</sup> The request for rehearing followed the entry of a decision and interim order which directed Foster-Glocester to admit J.R. to Ponagansett Middle School. That decision and interim order had been appealed to the Superior Court for Providence County pursuant to R.I.G.L. 16-64-6 on August 24, 2000. A request for a stay of the Commissioner's decision was also made at that time.

Copies of the Request for Rehearing were provided to all parties on September 21, 2000, with the request that any written responses to the request be filed no later than October 2, 2000.

## Decision

After review of the Request for Rehearing of the Foster-Glocester Regional School Committee and the Response of the Woonsocket School Committee thereto dated September 26, 2000, it is hereby ordered:

**That** the Request for Rehearing is hereby DENIED for the following reasons:

- This matter is presently on appeal before the Superior Court, the record has been transmitted to the Court, and the Commissioner is therefore without jurisdiction to act in this matter.
- The request does not indicate the discovery of new evidence which the party could not have had at the time of the hearing. The request does not allege that the new evidence could not, with due diligence, have been discovered at the time of the original hearing in this matter.
- The additional evidence referenced in the Request that this child may be enrolled in the Killingly, Connecticut school system is not relevant to the decision that J.R. and his parents are residents of Foster, Rhode Island for school purposes, nor was the decision and interim order based on any fact

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<sup>1</sup> Although apparently filed with Commissioner McWalter's office on August 30, 2000, the request for rehearing was not received in the legal office until September 21, 2000.

or assumption that J.R. could not be enrolled in the Killingly, Connecticut school system.

- There are no errors of law in the Decision and Interim Order entered by the Commissioner on August 23, 2000, and in any event, the Foster-Glocester Regional School Committee has brought its contentions as to such errors to the Superior Court under the review process provided in R.I.G.L. 42-35-15.

Entered as an ORDER of the Commissioner dated this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Kathleen S. Murray  
Hearing Officer

APPROVED:

\_\_\_\_\_  
Peter McWalters, Commissioner

December 5, 2000  
\_\_\_\_\_  
Date