

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

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Residency of MW and AW

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DECISION

Held: Because the students are now living in Johnston, they are entitled to attend Johnston Public Schools. This matter is hereby dismissed as moot.

DATE: January 28, 2005

Jurisdiction and Travel of the Case

This matter is before the Commissioner on the Petition of the Foster-Glocester Regional School District for a determination that the respondent's two children are no longer residents of the district for school purposes. Jurisdiction is present under R.I.G.L. 16-39-1, R.I.G.L. 16-39-2, and R.I.G.L. 16-39-8.

Discussion

A Hearing was held in this matter on November 15, 2004. Although due notice of this hearing had been provided to the respondent parent she failed to attend the hearing. At the hearing testimonial and documentary evidence was received. All this evidence tended to show that the respondent parent and her children were now living in Johnston. The Johnston school department agrees that the respondent parent and her children are now living in Johnston, and that these children are entitled to attend Johnston public schools.

At the November 15 hearing, counsel for Foster-Glocester placed on the record the representation that a truancy case involving the respondent parent and her children was pending before the Family Court. This matter was therefore continued with an instruction to counsel that the hearing officer was to be informed of what action the Family Court took in this matter. On November 22, 2004 a letter was received from Gregory P. Piccirilli, Esq., counsel for the Foster-Glocester Regional School District, informing the hearing officer that:

In consideration of dismissing the truancy matter, the mother stipulated on the record [in the Family Court] that she and her family are residents of Johnston and will enroll their children in that school district by Monday, November 22, 2004

Based upon this representation that the parent in this case has made a judicial admission on the record that she is a resident of Johnston for school purposes, along with information that these students have, in fact been enrolled in the public schools of Johnston we hereby dismiss this matter as moot.

Conclusion

The above-entitled matter is hereby dismissed as moot.

APPROVED:

Forrest L. Avila, Hearing Officer

Peter McWalters, Commissioner

January 28, 2005
Date