

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

**Residency of
Student J. and Student T.**

DECISION

Held: While the mother of these students has recently started working weekdays at an out-of-state job, she still maintains a residence in Pawtucket where she spends weekends with her children. The students in this case shall be allowed to complete the present school year in Pawtucket, in accordance with R.I.G.L.16-64-8. (Completion of semester of school year.) We are prepared to hear this matter again in August if it is still contended that these students are residents of Pawtucket for school purposes.

DATE: March 16, 2006

Jurisdiction and Travel of the Case

Jurisdiction is present under R.I.G.L. 16-64-6, R.I.G.L.16-39-1, and R.I.G.L.16.39-2. This is a residency case involving the Pawtucket public schools and the parents of two students who attend these schools.

Positions of the Parties

Pawtucket

Pawtucket contends that the father of this student lives in Central Falls and that the mother of these students has moved to New York. Pawtucket therefore contends that since neither parent is living in Pawtucket the students no longer have the right to attend the public schools of Pawtucket.

The Parents

The parents contend that the mother of these students still lives in Pawtucket and that she still maintains a full operational residence in Pawtucket. She concedes that she recently obtained a job in the New York area, but she contends that she returns to Pawtucket on weekends and that she then lives at home with her children. She does not presently know if the job she has in the New York area will become a permanent job. On days when she is not in Pawtucket her children reside with friends who live in Pawtucket. The mother submits that under these circumstances her children are still residents of Pawtucket for school purposes. She also contends that in any event her children should be allowed to finish the semester in the public schools of Pawtucket in accordance with R.I.G.L.16-64-8. (Completion of semester of school year.)

Findings of Facts

1. The father of these students is presently living in Central Falls.
2. The mother in this case maintains a full operational home in Pawtucket, but she has recently obtained employment in the New York Area. She does not yet know whether this employment will become permanent. She returns to Pawtucket on at least some weekends and she then lives at home with her children in Pawtucket.
3. On days when she herself is not in Pawtucket her children reside with friends who live in Pawtucket
4. We find that the mother began working in the New York area during the last semester of the school year.

Conclusions of Law

Under Rhode Island law students are allowed to complete the school semester in their original school district even if their parents have moved out of the district. R.I.G.L.16-64-2.

Discussion

We find that we do not have to determine at this time whether or not these students are still residents of Pawtucket for school purposes since, under R.I.G.L.16-64-2, these students, at a minimum, have the right to finish this school year in Pawtucket. We believe this to be a prudent course of action since the present record indicates that if the mother's job in the New York area becomes permanent, the residence of these children may become more clearly defined. We are prepared to hear this matter again in August if it still contended that these students are residents of Pawtucket for school purposes.

Conclusion

The students in this case shall be allowed to complete the present school year in Pawtucket. We are prepared to hear this matter again in August if it is still contended that these students are residents of Pawtucket for school purposes.

Forrest L. Avila, Hearing Officer

APPROVED:

Peter McWalters, Commissioner

March 16, 1006
Date