

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN THE MATTER OF THE RESIDENCY OF STUDENT M. DOE

Decision

Held: Student remained a resident of Charlestown through the end of the first semester and therefore is entitled to complete the school year there.

Date: June 16, 2006

Introduction

This matter concerns a request for a residency determination.¹

Background

Student Doe attends Charlestown Elementary School. When the 2005-06 school year began, student Doe was residing with his mother and father in Charlestown. They lived in a home owned by Doe's grandmother. In November 2005, Doe's grandmother sold the house and Doe and his mother moved to a friend's home in Charlestown.² Doe's father moved to a rental property in South Kingstown. Doe's mother testified that she and Doe stayed at the friend's home in Charlestown until March 2006, at which time they both moved in with Doe's father in South Kingstown. Doe's mother did not inform Charlestown Elementary School of her new address at any time while she and Doe were living with the friend in Charlestown. During this time, Doe stated at school that he was living near a donut shop. There is no donut shop near the friend's home in Charlestown.

Positions of the Parties

Petitioner contends that she and Doe lived in Charlestown until March 2006. Doe therefore should be allowed to complete the second semester of the school year at Charlestown Elementary School without the payment of tuition.³

The Chariho School Department argues that doubts exist as to the whereabouts of Doe and his mother from November 2005 until the move to South Kingstown. Because the Charlestown home was sold during the first semester, the School Department questions student Doe's eligibility to remain at Charlestown Elementary School.⁴

¹ The Commissioner of Education designated the undersigned hearing officer to hear and decide the request. A hearing was held on May 18, 2006.

² Doe's mother testified that she and Doe lived in the finished basement of the home. She further stated that she did not pay rent, but that she periodically gave her friend cash to help pay bills.

³ Under R.I.G.L. 16-64-8, a student who changes his or her residency during the course of a semester is allowed to complete the semester in the original city or town of residence. Students who exercise this option are not entitled to transportation services from either the original or new city or town of residence.

⁴ Although notified of this proceeding, the South Kingstown School Department chose not to participate in the hearing.

Discussion

There is no dispute in this case that student Doe and his parents were living in Charlestown at the start of the 2005-06 school year and that a move from that residence occurred in November 2005. The admission by student Doe's mother that she did not notify the school district of her new address is troubling. Schools need to know their students' home addresses, especially in case of an emergency. We cannot think of a valid reason why parents would not inform their child's school of a new address unless the new address jeopardizes the child's continued enrollment.

On the other hand, a student's move to another city or town must be established by proven facts. Although the Chariho school district demonstrated that it had legitimate doubts regarding Doe's residency beginning in November 2005, the evidence does not prove that student Doe was living outside of the school district prior to the end of the first semester. For that reason, we find that student Doe moved from Charlestown to South Kingstown in March 2006. He therefore is entitled to finish the school year at Charlestown Elementary School, without any transportation services. Based on the evidence in this record, student Doe must be enrolled in the South Kingstown school system following the conclusion of the 2005-06 school year.

Conclusion

Student Doe remained a resident of Charlestown until March 2006. He therefore is entitled to complete the 2005-06 school year at Charlestown Elementary School.

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

Date: June 16, 2006