

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

.....

**Residency of**

**Students P. Doe**

.....

**DECISION**

Held: This is an appeal from a decision of North Providence school authorities to deny the petitioner's children admission to the public schools of North Providence. The boundary line separating Providence and North Providence nearly bisects the dwelling in which the petitioners live. Under R.I.G.L.16-64-1 when a child lives in a dwelling that lies in more than one Rhode Island municipality, the parents of the child may choose which school district the child will attend. We therefore find that the parents in this case have the right to enroll their children in the public schools of North Providence.

DATE: August 29, 2006

## **Travel of the Case and Jurisdiction**

This is an appeal from a decision of North Providence school authorities to deny the petitioner's children admission to the public schools of North Providence. North Providence contends that the dwelling the petitioners occupy at certain numbered address on Fruit Hill Avenue is located in Providence rather than in North Providence. The petitioners, for their part, contend that the boundary line between North Providence and Providence runs through their dwelling and that their children therefore have the right to attend the public schools of North Providence. Jurisdiction to decide this controversy is present under R.I.G.L.16-64-6.

## **Position of the Parties**

### North Providence

North Providence contends that the dwelling rented by the petitioners is not located in North Providence. North Providence further submits that the petitioners' children are residents of Providence for school purposes because North Providence does not assess a property tax on the dwelling in which the petitioners live which is located at a certain numbered address on Fruit Hill Avenue. Providence, on the other hand, does assess such tax.

### Providence

Providence submits that it assesses a tax on the property located at a certain numbered address on Fruit Hill Avenue and that it is prepared to admit the petitioners' children into its school system.

### The Petitioners

The petitioners contend that as a matter of fact the boundary line between North Providence and Providence runs through their dwelling and that therefore, as a matter of law (R.I.G.L.16-39-1) their children have the right to attend the public schools of North Providence.

## **Findings of Fact**

1. The petitioners live in a dwelling located at a certain numbered address on Fruit Hill Avenue. The boundary line separating Providence and North Providence runs through the petitioners' dwelling at this street address.<sup>1</sup> The boundary line almost bisects the dwelling.

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<sup>1</sup> Exhibits 2 and 4.

2. Various exhibits, some of them of a contradictory nature relating to the property tax status of this dwelling, were admitted into evidence.<sup>2</sup> We find that these exhibits are not material to the present dispute since the determinative factor in this dispute is the location of the boundary line and not which municipal entity is assessing a tax on the dwelling.

### **Conclusions of Law**

In pertinent part the General Laws of Rhode Island provide at R.I.G.L.16-64-1 as follows:

**R.I.G.L. 16-64-1. Residency of children for school purposes.** – \*\*\* Where a child is a resident in a dwelling which lies in more than one municipality, the parent(s) or guardian shall choose which school district the child shall attend without payment of costs as tuition.

We find that this statutory language governs the case at hand.

### **Discussion**

Since the General Laws of Rhode Island provide at R.I.G.L.16-64-1 that when a child lives in a dwelling that lies in more than one Rhode Island municipality the parents of the child may choose which school district the child will attend, we must find that the parents in this case have the right to enroll their children in the public schools of North Providence.

### **Conclusion**

The appeal is sustained and the petitioners are found to have the right to enroll their children in the public schools of North Providence.

APPROVED:

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Forrest L. Avila, Hearing Officer

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Peter McWalters, Commissioner

\_\_\_\_\_  
August 29, 2006  
Date

<sup>2</sup> E.g. Exhibit 7 and Exhibit B.