

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

.....
Chariho Regional School District

v.

R. Doe
.....

DECISION

The above entitled matter is dismissed in accordance with *Student C.A. Doe v. Johnston School Department*, Commissioner of Education, February 09, 2010.

DATE: September 1, 2010

Jurisdiction

This is a residency dispute. Jurisdiction is present under R.I.G.L.16-64-6.

Positions of the Parties

The Chariho Regional School District

The Chariho Regional School District contends that the Rhode Island Family Court lacks jurisdiction to enter an order defining the school residence of the student who is subject of this matter. Chariho also contends that it did not receive proper notice of the Family Court motion which resulted in the Family court order now challenged by Chariho.

The Parents

The Parents contend that this matter must be dismissed in accordance with the Commissioner's prior decision in *Student C.A. Doe v. Johnston School Department*, Commissioner of Education, February 09, 2010.

Conclusions of Law

In the course of a divorce action the Rhode Island Family Court had occasion to enter the following:

That the parents are restrained and enjoined from any efforts to remove the minor child from his current educational placement at the Chariho Middle School until further Order of the Court and the minor child shall continue to be educated at the Chariho School Middle School and the Chariho School District shall continue to be [the minor child's] residence for school purposes.¹ (Emphasis added)

The Chariho Regional School District has petitioned the Commissioner of Education to make a residency determination under R.I.G.L. 16-64-6 which potentially could be at variance with the above quoted Order of the Family Court. We conclude that while the Commissioner of Education certainly has jurisdiction to resolve school residency disputes (R.I.G.L. 16-64-6) it is equally clear that the Commissioner has no authority to review orders of the Rhode Island Family Court or to define the jurisdiction of the Family Court. Such matters must be left to the Family Court, or the Rhode Island Supreme Court. The above entitled matter must therefore be dismissed. *Student C.A. Doe v. Johnston School Department*, Commissioner of Education, February 09, 2010.

¹ Exhibit A.

Conclusion

The above entitled matter is dismissed in accordance with *Student C.A. Doe v. Johnston School Department*, Commissioner of Education, February 09, 2010.

Forrest L. Avila, Hearing Officer

APPROVED:

Deborah A. Gist, Commissioner

September 1, 2010

Date