

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN THE MATTER OF: RESIDENCY OF C. DOE

Decision

Held: Student who changed residence after the start of the school year, and was not disenrolled from school, may complete the first semester of the 2010-11 school year at Rogers High School.

Date: October 22, 1020

Introduction

This is a request under Rhode Island General Law 16-64-6 for a determination of a student's residence for school enrollment purposes.¹

Background

Student Doe lived with her mother in Newport during the 2009-10 school year. She completed the 8th grade at Thompson Middle School in June 2010. Although her mother considered home-schooling Doe for the 9th grade, no home-schooling program was submitted to the Newport School Department. Doe did not appear at Rogers High School at the beginning of the current school year.

On or about September 26, 2010, Doe moved to her father's residence in North Kingstown. A day or two later, Doe's father visited Rogers High School and registered Doe. On the student registration form, he provided his North Kingstown address in the "Home Address – Student Residence" section. He listed Doe's mother's Newport address on the "Second Household" form. A transcript request form was completed with Doe's address being listed as that of her father in North Kingstown. Doe's father was given a Rogers High School class schedule for Doe, and Doe started school on September 29th in the cosmetology program.

The following week, Doe's mother told school officials that Doe lived with her father in North Kingstown. She asked that her Newport address not be used for enrollment purposes. According to school officials, Doe's mother disenrolled Doe from Newport during a telephone conversation. Doe's father was advised of the disenrollment and encouraged to enroll Doe in North Kingstown. Doe's father disputes the disenrollment and filed this request for a residency determination. There is no paperwork documenting Doe's disenrollment, nor is there any request that Doe's school records be sent to North Kingstown or any other school system.

¹ A hearing was conducted on October 14, 2010. Doe's father and counsel for the Newport and North Kingstown school districts participated in the hearing.

Positions of the Parties

Doe's father contends that he was honest and forthcoming with Newport when he registered Doe at Rogers High School. He repeatedly stated, verbally and in writing, that Doe resides with him in North Kingstown. Doe's mother merely confirmed her daughter's North Kingstown residence, but did not disenroll Doe from Rogers. Doe is happy at Rogers, and a change in enrollment at this time would be unfair to Doe and disruptive of her education.

The Newport School Department contends that Doe lived in North Kingstown when she registered at Rogers and her residence has not changed since. Doe received a class schedule because the residency of children in joint custody is not always readily apparent. In any event, Doe was disenrolled from Newport by her mother. It is now clear that Doe lives in North Kingstown and does not qualify as an exception to the residency rules. Doe must enroll in North Kingstown.

The North Kingstown School Department asserts that if Doe is found to be a resident of North Kingstown, it will accept its enrollment responsibilities, including its duty to provide access to career and technical education at the Regional Career and Technical Center at Coventry High School.

Discussion

Rhode Island General Law 16-64-2 states, in part, that

A child shall be eligible to receive education from the city or town in which the child's residence has been established until his or her residence has been established in another city or town and that city or town has enrolled the child within its school system, unless the commissioner of elementary and secondary education, pursuant to §16-64-6, has ordered otherwise.

It is undisputed that, for the 2009-10 school year, Doe's established residence was the city of Newport. The evidence in this matter shows that Doe's residence in the town of North Kingstown did not commence until the end of September 2010. Therefore, Doe was a Newport resident at the beginning of the first semester of the 2010-11 school year. In the absence of an approved or submitted home-schooling program, we must find that

Doe remained enrolled in the Newport school system. We do not find that Doe was disenrolled from that school system in light of the nonexistence of disenrollment documentation, the absence of a request to transfer her records to another school or district, and the lack of any showing that Doe's mother took related timely action to enroll Doe elsewhere.²

In light of the above, we find under §16-64-8 that Doe is entitled to complete the first semester of the 2010-11 school year at Rogers High School.³ Consistent with the statute, Newport is not required to transport Doe to and from Rogers High School. Absent a legitimate change in Doe's residency, Doe must be enrolled in the North Kingstown school system for the beginning of the second semester of the current school year.

Paul E. Pontarelli
Hearing Officer

Approved:

Deborah A. Gist
Commissioner of Education

October 22, 2010

Date:

² Doe is subject to the compulsory attendance law and therefore cannot be merely left "disenrolled."

³ The statute provides, in part, that "[w]hen a student changes his or her residence during the course of a semester the student shall be allowed to complete the semester in his or her original city or town of residence."