

**STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS**

COMMISSIONER OF EDUCATION

.....

Residency of A. Doe - East Greenwich

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DECISION

This is a school residency case. The student is no longer a resident of East Greenwich for school purposes. East Greenwich is directed to facilitate the transfer of this student to his proper school district unless an agreement concerning tuition payments is reached.

DATE: March 15, 2011

Jurisdiction and Travel of the Case

This is a school residency case that comes before the Commissioner of Education on a parent's petition appealing a determination by the East Greenwich school district that his son was not a resident of East Greenwich for school purposes. Jurisdiction is present under R.I.G.L.16-39-1, R.I.G.L.16-39-2 and R.I.G.L.16-64- 6.

Positions of the Parties

The Student's Father

The student's father concedes that his son resides with him in a community other than East Greenwich. The student's father contends, however, that the best interest of his son would be served by allowing his son to continue to go to school in East Greenwich.

The East Greenwich School District

The East Greenwich school district contends that this student is clearly not a resident of East Greenwich for school purposes since he is no longer living in East Greenwich. The East Greenwich school district is not willing to continue this student's enrollment in East Greenwich except on a tuition basis.

Findings of Fact

Well over a year ago the student in this case left East Greenwich to live with his father in another Rhode Island community. The student's father was commendably candid in stating this fact. The student's mother and his siblings continue to reside in East Greenwich.

Conclusions of Law

Concerning residency for school purposes the General Laws of Rhode Island provide in pertinent part as follows:

R.I.G.L. 16-64-1. Residency of children for school purposes. –
Except as provided by law or by agreement, a child shall be enrolled in the school system of the city or town where he or she resides. A child shall be deemed to be a resident of the city or town where his or her parents reside. If the child's parents reside in different cities or towns the child shall be deemed to be a resident of the city or town in which the parent having actual custody of the child resides. (Emphasis added)

Discussion

It is clear that the student in this case is no longer a resident of East Greenwich for school purposes since the parent who has “actual custody” of the student no longer lives in East Greenwich. See R.I.G.L.16-64-1. In fact, the student has not been a resident of East Greenwich for a considerable period of time. We therefore must find that this student is no longer eligible to attend the public schools of East Greenwich.

Conclusion

The student is no longer a resident of East Greenwich for school purposes. East Greenwich is directed to facilitate the transfer of this student to his proper school district unless an agreement concerning tuition payments is reached.¹

Forrest L. Avila, Hearing Officer

APPROVED:

Deborah A. Gist, Commissioner

March 15, 2011
Date

¹ The petitioner has not argued that R.I.G.L.16-64-8 (Completion of semester of school year) applies to this case. In any event, given the length of time that this student has not been a resident of East Greenwich for school purposes, it is doubtful that this statute would apply since the student in fact changed his residence a good period of time ago.