

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN RE: V.S.S. DOE

INTERIM ORDER

By petition filed with the Rhode Island Department of Education (RIDE) on or about September 27, 2013 and entitled *Emergency Petition for Interim Order and Residency Determination*, the Tavares Pediatric Center (Tavares), a pediatric nursing facility located in the City of Providence, while acting *in loco parentis*, has represented that V.S.S. Doe was enrolled in the Woonsocket School District and placed at the Woonsocket Middle School – Villa Nova for the 2012 – 2013 school year. V.S.S. Doe was admitted to Tavares at some point by his legal guardian following the conclusion of the school year and is currently a residential patient there.

Tavares' petition alleges, inter alia, that (1) V.S.S. Doe has not been provided access to a free appropriate public education (FAPE) in the least restrictive environment as mandated by law during the 2013 – 2014 school year; (2) Tavares is unable to provide V.S.S. Doe with FAPE; (3) V.S.S. Doe's legal guardian is a resident of the City of Woonsocket.

A prehearing conference in which all interested parties participated, including the Woonsocket School District (Woonsocket), Providence Public Schools, RIDE, and Tavares, was convened by telephone on September 30, 2013. Based on said conference, and in light of:

- a) Woonsocket not having denied its failure and refusal to provide V.S.S Doe with FAPE;
- b) Woonsocket not having filed an action pursuant to RIGL 16-64-6 for purposes of determining residency in spite of its avoidance of responsibility for providing FAPE to V.S.S. Doe; and,
- c) Woonsocket not having denied other material allegations made by Tavares:

NOW THEREFORE IT IS HEREBY ORDERED AS FOLLOWS:

- 1) The Emergency Petition for Interim Order is granted, in part;
- 2) Woonsocket shall immediately provide V.S.S. Doe with FAPE and shall continue to do so until such time as it properly invokes RIDE's jurisdiction under RIGL 16-64-6 and a determination as to residency under RIGL 16-64-1 is made;
- 3) RIDE's Office of Student, Community and Academic Supports shall monitor Woonsocket's compliance with this Order and shall report its findings of compliance to the Office of Commissioner.

Entered this 30th day of September, 2013.

George M. Muksian
Hearing Officer

Approved:

Deborah A. Gist
Commissioner of Education