

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

IN THE MATTER OF:  
RESIDENCY OF STUDENT K. DOE

**DECISION**

Held: Evidence shows that student currently attending North Kingstown High School took up residence in Warwick prior to the end of the 2012-13 school year. Student's parents are ordered to immediately disenroll her from North Kingstown.

Date: December 3, 2013

## **Introduction**

This matter concerns a request for a student residency determination.<sup>1</sup>

## **Background**

Student Doe is 16 years old. She currently attends North Kingstown High School. Her parents provided a North Kingstown address when they enrolled Doe in the North Kingstown school system.

Doe had numerous absences from school at the beginning of the 2013-14 school year. The district's attendance officer visited the North Kingstown address on two occasions in September 2013 seeking to speak with Doe's parents. On both occasions, there was no answer at the door. On the second visit, the attendance officer left a letter asking Doe's parents to contact the officer. The attendance officer did not hear from Doe's parents.

Student Doe continued to be absent from school. The attendance officer obtained a Warwick address for Doe's parents. She visited that address but did not see any activity. In the process of preparing a truancy petition, the attendance officer called the phone number on Doe's enrollment form. Doe's father answered the phone. He was surprised at the number of Doe's school absences. He asked the attendance officer why he had not been contacted about the absences. The attendance officer informed Doe's father that she had visited the North Kingstown address and left a letter there. Doe's father replied that he did not receive the letter because his family does not live at that address. He further stated that his family has been living in Warwick since May 2013, mentioning the same Warwick address that the attendance officer had previously obtained. Upon hearing this, the attendance officer told Doe's father that he needed to disenroll Doe from North Kingstown and enroll her in Warwick. In a phone call the

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<sup>1</sup> A hearing was conducted on November 14, 2013. The North Kingstown and Warwick school districts were represented by respective counsel. No member of the Doe family attended the hearing.

following day, Doe's father told the attendance officer that his daughter wanted to stay at North Kingstown High School.

On October 10, 2013, the North Kingstown superintendent wrote to Doe's parents at the Warwick address. The superintendent stated that Doe's parents needed to remove their daughter from North Kingstown High School immediately. He informed them of their right to request a hearing from the Commissioner of Education. When Doe's parents failed to act, counsel for the North Kingstown School Department filed this request for a residency-determination hearing. A copy of the October 23, 2013 request was mailed to Doe's parents at the Warwick address.

On November 6, 2013, the Legal Office at the Department of Education mailed a copy of the hearing request, driving directions and notice of the hearing date to Doe's parents at the Warwick address. On November 13, 2013, the Legal Office sent Doe's father an email reminder of the hearing scheduled for the following day. As previously noted, no member of Doe's family attended the November 14, 2013 hearing.

### **Positions of the Parties**

North Kingstown contends that facts presented by its attendance officer, and the admissions of Doe's father in particular, show that Doe lives in Warwick, not North Kingstown, at this time. It asks that Doe be ordered to disenroll from North Kingstown immediately.

Warwick only recently learned of Doe's situation. If indeed she is residing in Warwick and enrolls in the school system, it will provide her with a public education.

### **Discussion**

Rhode Island General Law 16-64-1 states that "[a] child shall be deemed to be a resident of the city or town here his or her parents reside." The "shall be deemed" provision creates a

rebuttable presumption that the child resides with his or her parents.

There is no evidence in this proceeding to rebut the presumption of §16-64-1. To the contrary, the evidence shows that Doe's father acknowledged that Doe lives with his wife and him and that the family lives in the city of Warwick. Based on the evidence in the record, we find that Doe has been a resident of Warwick for school-enrollment purposes since May 2013.

### **Conclusion**

Student Doe is a resident of Warwick. Because her residency in Warwick commenced before the beginning of the 2013-14 school year, we order Doe's parents to immediately disenroll her from the North Kingstown school system. Doe's parents must enroll their daughter in the Warwick public school system or otherwise comply with the compulsory attendance statute.<sup>2</sup>

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Paul E. Pontarelli  
Hearing Officer

Approved:

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Deborah A. Gist  
Commissioner of Education

Date: December 3, 2013

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<sup>2</sup> R.I.G.L. 16-19-1.