

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

AND

PROVIDENCE PLANTATIONS

IN THE MATTER OF:
RESIDENCY OF STUDENTS W. DOE

DECISION

Held: It being undisputed that the siblings currently enrolled and in attendance in the West Warwick School District are residents of Coventry, the parent of the students shall effect their disenrollment from West Warwick and enroll them in Coventry on or before the end of the current semester.

Date: November 3, 2014

Introduction

This matter comes before the Commissioner of Education on a formal request by the parent of three children currently enrolled in the West Warwick School District for a hearing in order to determine residency. Said request was received by the Department of Education on October 3, 2014.¹

Background

Students W. Doe currently attend school in West Warwick. They reside with their mother in a home leased by her in Coventry. They had previously resided in West Warwick for five (5) years until the beginning of the 2013-2014 school year when “they were asked to leave” their rented premises.”² Although the parent has attempted to secure suitable residence in West Warwick, her efforts have not been successful. The school district, upon learning of the family’s change of residence to a neighboring town, notified the parent that her children have to be disenrolled from West Warwick and to be enrolled in the Coventry School District.

Positions of the Parties

There exists no factual dispute regarding the residency of this family. West Warwick relies upon our laws relating to residency for school purposes in seeking disenrollment; the parent acknowledges that her family’s residence is in Coventry, but cites several reasons relating to her children’s personal and academic best interests as grounds for allowing their continued attendance in the West Warwick schools.

¹ A prehearing conference was conducted by telephone and thereby resulted in a proposed consent order allowing the students to remain enrolled in the West Warwick School District until December 19, 2014, while their parent sought residence within the community of West Warwick. The parties were not able to agree to the terms of the consent order, thereby continuing this matter to a formal hearing on October 31, 2014.

² This decision is based on testimony recorded by the hearing officer in his notes.

Discussion

Even assuming that the students' best interests would be served by their continued school attendance in West Warwick, Rhode Island law does not *per se* provide an entitlement to attend school in a particular district on the basis of a student's perceived best interests. Rather, in determining which district is responsible for a student's education, one must look to RIGL Section 16-64-1, which provides in pertinent part that "[e]xcept 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" The record in this matter does not give Students W. Doe entitlement to attend school in West Warwick, even if such continued attendance would be relatively more beneficial for the students than attending school elsewhere. Certainly any factors that are relevant to the students' best interests may be directed to the attention of the West Warwick School Committee which is vested with the discretion to allow the students to continue their attendance in the West Warwick school system. However, it is beyond the authority of the Commissioner of Education to disregard the governing law or to preempt the authority of the school district.

Accordingly, under RIGL Section 16-64-1, we are constrained to order that, absent an exercise of discretion by the school committee to allow continued attendance in West Warwick or a change in residence that indicates the family's return to West Warwick, the students must enroll in Coventry. This change in enrollment need not be done immediately, but may be undertaken prior to the end of the current semester.³

³ RIGL 16-64-8 provides 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."

Conclusion

Students W. Doe are residents of the Town of Coventry and are therefore subject to disenrollment from the West Warwick School District at the end of the current semester. Unless their continued attendance in West Warwick is authorized by the West Warwick School Committee or the family's residence is re-established in West Warwick before the start of the next semester, their parent is hereby ordered to enroll them in the Coventry School District.

George M. Muksian
Hearing Officer

Approved:

Deborah A. Gist
Commissioner of Education

November 3, 2014
Date