

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

AND

PROVIDENCE PLANTATIONS

IN THE MATTER OF:
RESIDENCY OF STUDENT S. DOE

DECISION

AND

DEFAULT ORDER

Held: In view of default by the custodial parent of the student and the evidence presented, the student currently enrolled and in attendance at Chariho High School is a resident of North Stonington, Connecticut. The custodial parent shall forthwith dis-enroll the student from Chariho and effect enrollment in an appropriate school district of residence for school purposes.

Date: April 13, 2015

Introduction

This matter comes before the Commissioner of Education on a petition for residency determination by the Chariho Regional School District (“School District”) filed pursuant to R.I.G.L. 16-64-6 on February 19, 2015.¹

Background and Findings of Fact

Student S. Doe (“the Student”) currently attends Chariho High School on the basis of residency in the Town of Hopkinton, Rhode Island, one of the communities comprising the Chariho region. After the divorce of the Student’s parents, she continued to reside on North Road in Hopkinton until November 2014 when, due to a disagreement with her father, she left to live with her mother at her mother’s father’s home on Anthony Road in the Town of North Stonington, Connecticut.² To date, the Student has continued to live with her mother in North Stonington and, as a result, her mother has transported her to and from Chariho High School on a day-to-day basis. According to her current administrative school record, the Student resides at the Hopkinton address of her father.³

On March 23, 2015, the Hopkinton town clerk notified the School District that the Student’s mother had attempted to provide a change of address by submission of a locator card indicating a Laurel Street address in Ashaway, Rhode Island. The Town of Hopkinton had

¹ A hearing was held on April 2, 2015. The Chariho Regional School District was represented by counsel; the non-custodial parent, S. Doe’s father, appeared pro se. S. Doe’s custodial parent, her mother, did not appear at a previously convened pre-hearing conference nor at the hearing although so notified in each instance by mail, email and by telephone communication with the Commissioner’s hearing staff. Moreover, S. Doe’s mother had expressly stated that she would attend neither the pre-hearing conference nor the hearing.

² The factual background as reported is based upon the testimony the Student’s father and that of the administrative assistant to the superintendent of the Chariho Regional School District.

³ The communities that are incorporated as the Chariho Regional School District operate under a “locator card” system which is administered at the municipal offices of each member community, including Hopkinton. In sum, a student’s residency information is filed with the town office for the community of residence which, in turn, forwards the information to the school district which thereby serves as verification of the student’s residency for school purposes.

requested the services of a Hopkinton police officer for purposes of visiting the Laurel Street address in order to confirm the change of address as reported by the Student's mother. In two visits, one being a weekday evening and the other during the day on a weekend, a police officer failed to find any evidence indicating that the Student lived at the Ashaway address.⁴

The Student's father testified that this address belonged to the Student's older brother and denied that such a change of address had ever occurred. On the basis of his personal knowledge, the Student has lived in North Stonington since November 2014.

Positions of the Parties

The School District argues that based upon the unrebutted testimony presented, and in light of the false information regarding residency that has been deliberately provided to the School District by the Student's custodial parent, a determination that the Student resides in North Stonington for school purposes has been established beyond any level of doubt. Moreover, in view of the Student's custodial parent's default in both answering the petition as well as appearing at the scheduled proceedings relating to this dispute, the School District requests the entry of a default judgment granting its petition for determination of residency. The School District urges that determination of residency and default judgment should include an order of immediate disenrollment from the School District.

The Student's father joins the School District in seeking a determination that his child's rightful residence for school purposes is not within the regional community of the School District but, at the present time, is in North Stonington, Connecticut.⁵ In addition, he concurs with the School District that an order of immediate disenrollment be issued.

⁴ See Sch.Comm. Exhibit 1.

⁵ S. Doe's father's position is primarily advanced by concern for this child's best interests, including her precipitously diminished and failing academic performance; her disqualification from extra-curricular activities due

Discussion

There having been no evidence presented in contradiction of the testimony offered by the witnesses, it is determined that the Student is not a resident within the boundaries of the Chariho Regional School District and that at the present time is a resident of North Stonington, Connecticut for school enrollment purposes.

Conclusion and Order of Default

Student S. Doe is a resident of the Town of North Stonington, Connecticut and is therefore subject to immediate disenrollment from the Chariho Regional School District. The Student is hereby immediately ordered to be enrolled by her parent or legal guardian in the school district for North Stonington or otherwise in a school district that is recognized under the governing law as this student’s residence for school enrollment purposes.

George M. Muksian
Hearing Officer

Approved:

Deborah A. Gist
Commissioner of Education

Date: April 13, 2015

to her grades; his concern for the moral lapse she has demonstrated in prevaricating to maintain enrollment status in Chariho; and his knowledge of her recent access to and use of marijuana.