

**STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS**

**COMMISSIONER OF EDUCATION**

**IN RE: RESIDENCY OF STUDENT L. DOE**

**INTERIM ORDER**

WHEREAS, this matter having come before the Commissioner of Education on the petition of the sole custodial parent of Student L. Doe (the Student), dated the 28<sup>th</sup> day of August, 2015, in seeking a reversal of the Cumberland School Department's (Cumberland) denial of enrollment in the Cumberland school system on grounds of non-residency;

WHEREAS, Rhode Island's school residency law restricts school enrollment to students whose parents are residents of a city or town and thereby provides a fair, orderly and predictable system of student enrollment;

WHEREAS, Rhode Island's school residency law provides that a student is deemed to be a resident of the city or town where he or she lives with a legal guardian or other person in loco parentis to the student;

WHEREAS, this matter was heard in full by a hearing officer designated by the Commissioner of Education on the 31<sup>st</sup> day of August, 2015;

WHEREAS, in light of the totality of the evidence admitted at hearing relative to physical and psychological peer bullying and harassment of the Student during the 2013-2014 and 2014-2015 school years in the Burrillville School District, prior relevant decisions of the Commissioner and in consideration of the prevailing statutory law applicable to public school enrollment under RIGL § 16-64-1;

WHEREAS, Cumberland has denied the enrollment of the Student in its school system because of its finding that the Student's parent is a resident of the Town of Burrillville and, therefore, the Student is required to attend school in the Burrillville School District;

WHEREAS, the Student has been living with her grandparents, Nancy G. Proulx and George A. Proulx, in their Cumberland home for a substantial reason other than for school purposes;

WHEREAS, the parent of the Student has filed a *Minor Guardianship Petition* with the Cumberland Probate Court for appointment of the Student's grandparents, Nancy G. Proulx and George A. Proulx, as legal guardians of the Student;

WHEREAS, said petition for guardianship is scheduled to be heard before the Cumberland Probate Court on the 8<sup>th</sup> day of October, 2015;

NOW THEREFORE, based on the foregoing, it is hereby

**ORDERED, ADJUDGED and DECREED**

- 1) that the appeal from Cumberland's determination and denial of enrollment is reversed; and,
- 2) that Cumberland is hereby ordered to accept and process forthwith the Student's application for enrollment for the 2015-2016 school-year.

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George M. Muksian, Esquire  
Hearing Officer

Approved:

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Ken Wagner, Commissioner of Education

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August 31, 2015