

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

IN RE: Residency of I. Doe

DECISION

Held: The North Kingstown School Committee has established the Doe family and their children are residents of Warwick, Rhode Island. They do not reside in North Kingstown and have not resided there since as early as October of the 2015-2016 school year. The students currently enrolled at Stony Lea Elementary School are to be disenrolled from the North Kingstown school system and enrolled in Warwick, Rhode Island, where they currently reside.

DATED: January 13, 2016

Travel of the Case:

The Petitioners, Mr. and Mrs. Doe, filed a request for a residency determination with Commissioner Ken Wagner on October 23, 2015. It was assigned for hearing and, although attempts were made to expedite hearing, the Petitioners requested deferral so that they could obtain legal representation. Ultimately, the matter was scheduled and heard on January 7, 2016. The Petitioners did not appear, despite notice of the hearing sent by email and telephone reminders of the scheduled date and time. The North Kingstown School Committee was represented by counsel, who presented testimony and other evidence on the record at the time of the hearing.

In light of the fact that the first semester in North Kingstown ends on January 29, 2016 and in order to facilitate a smooth transition for the two children of Mr. and Mrs. Doe who are currently attending the Stony Lea School in North Kingstown, Rhode Island, the decision in this matter has been expedited.¹

Findings of Relevant Facts:

*Mr. and Mrs. Doe reside at ~~600 North Kingstown, Warwick, Rhode Island~~ Rhode Island. They reside there with their two children, who are currently enrolled in the Stony Lea School in North Kingstown, Rhode Island.

*As early as October 6, 2015, observations² made by the truancy officer of the North Kingstown School Department were consistent with residency at the Warwick address and not the North Kingstown address provided by the Petitioners.

¹ This decision is based on the notes of the hearing officer and the documentary and pictorial evidence submitted by the North Kingstown School Department at the January 7, 2016 hearing.

² Observations were made at both addresses. Observations included the transport of the children from the Warwick address to and from school on multiple occasions and at the beginning and end of the school day, as well as outward indications of habitation by the family at the Warwick residence, such as holiday decorations. No similar activity and signs of habitation were observed at the address in North Kingstown provided by the family. H.O. notes of testimony of Sharon Propst, truancy officer; S.C. Ex 1-6.

*The first semester in North Kingstown will conclude on January 29, 2016.

Position of the North Kingstown School Committee:

Counsel for the School Committee submits that the evidence is clear and un rebutted that the Petitioners and their two children reside at the Warwick address at which they have been observed on multiple occasions leaving to go to school in the morning and returning at the end of the school day. The observations of their residence were first made on October 6, 2015 and have continued with some regularity up until Monday, January 4, 2016.

The Petitioners failed to attend a hearing that had been deferred over two months at their request. This fact, together with the absence of any evidence that would rebut the persuasive evidence presented to the hearing officer clearly indicate that the Petitioners do not reside in North Kingstown and their children are not entitled to attend North Kingstown schools.

DECISION

Clear and convincing evidence on the record in this case establishes that the Petitioners and their two children reside in Warwick, Rhode Island. R.I.G.L. 16-64-1, entitled “Residency of children for school purposes” establishes that:

...a child shall be enrolled in the school system of the city or town where he or she resides. A child shall be deemed to be a resident of the city or town where his or her parents reside...

Therefore, the Petitioners’ children have residency for school purposes in the city of Warwick, Rhode Island. It is hereby ordered that they be disenrolled from the North

Kingstown school system no later than January 29, 2016 (a date which also coincides with the end of the first semester) and enrolled in the appropriate elementary school in Warwick.

For the Commissioner,

Kathleen S. Murray,
Hearing Officer

Ken Wagner, Ph.D.
Commissioner

DATED: January 13, 2016