

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

In Re: Residency of C. Doe

DECISION

Held: Student's school residency is currently the town of Coventry, where she lives with her mother. She must be disenrolled from Warwick schools and enrolled in Coventry forthwith.

DATE: March 4, 2016

Travel of the Case:

On February 1, 2016 Commissioner Ken Wagner received a request for a residency determination for Student Doe filed by counsel for the Warwick School Department. The matter was assigned to the undersigned on February 2, 2016 and a hearing scheduled for February 17, 2016. At the time of hearing, both Warwick and Coventry School Departments were represented by counsel and Doe's parent appeared pro se.

Testimony and documentary evidence were taken and closing arguments made. The record closed on the date of the hearing, as no transcript was ordered¹. This decision is based on the hearing officer's notes and the exhibits marked as evidence at the hearing.

Issue:

Where is Student Doe's residency for school purposes?

Findings of Relevant Facts:

- Student Doe is currently enrolled in Grade 7 at Gorton Junior High School in the city of Warwick, Rhode Island.
- For a two-year period prior to the current school year, Doe lived with her legal guardians, an aunt and uncle in Warwick, because her mother had been ill for an extended period of time.
- Just prior to the start of this school year, Doe's mother's health improved and Doe returned to live with her in Coventry, Rhode Island. She continued to attend school in Warwick, however, because it was not certain that her mother's health had improved to the point that it would permit her to care for her child.

¹ There were no facts in dispute and the positions of the parties were clearly stated at the time of the hearing.

- In October of the 2015-2016 school year, school officials at Gorton Junior High School became aware that Doe had moved from her aunt and uncle's home in Warwick to live with her mother in Coventry.
- Because Doe's mother expressed her intent to move to Warwick so that her daughter could continue to attend school there, school officials allowed Doe to remain enrolled at Gorton Junior High School. Doe's mother was advised in writing on October 1, 2015 that if she had not secured suitable housing in Warwick by the end of the semester (January 26, 2016), she would have to enroll her daughter in the public schools in Coventry, Rhode Island at that time. Warwick Ex. B.
- A written reminder of the requirement that she secure residency in Warwick no later than January 26, 2016 in order to maintain Doe's enrollment at Gorton Junior High School was sent to Doe's mother on January 6, 2016. Warwick Ex. D.
- Doe's mother has not been able to secure suitable housing for herself and her daughter in the city of Warwick, Rhode Island. She testified that she has made efforts to find a suitable residence, but so far has not been successful. She would prefer to keep her daughter in the class that she is in at Gorton Junior High School because her daughter is in a program of special education there, is doing well academically and thriving in her school environment.

Positions of the Parties:

Mrs. Doe:

In light of the fact that she still has the intent to move from Coventry to Warwick, Mrs. Doe requests that she be given more time to find a suitable home within the district. She feels that her daughter is receiving an excellent education and is happy where she is currently enrolled. Mrs. Doe testified that when her daughter was previously enrolled in Coventry schools, the district did not "do

enough” for her. She finds that the special education program provided by the Warwick School Department better meets her daughter’s needs.

Warwick:

Counsel submits that the facts clearly demonstrate that this student is a resident of Coventry for school purposes. School officials have been flexible and tried to work with Mrs. Doe to accommodate a situation in which this student was initially undergoing a tentative transition back to Coventry, followed by her mother’s decision to relocate to Warwick so that her daughter could remain in school at Gorton Junior High School. Efforts to relocate have not been successful, and this student must now enroll in the town in which her school residency has been established, i.e. Coventry.

Coventry:

Counsel for the Coventry School Department takes the position that the district stands ready to enroll Doe at this time and reach out to the family to facilitate her transition into its school system. The district has no reservations about its capacity to provide her with a free appropriate public education.

DECISION

Student Doe is a school resident of Coventry at this time. R.I.G.L. 16-64-1 states quite clearly that “a child shall be enrolled in the school system of the city or town where he or she resides.” Under Rhode Island school law, a child is “deemed to be a resident of the city or town where his or her parents reside”. Although Doe’s mother’s illness had previously resulted in her going to live with her aunt and uncle in Warwick and establishing school residency in Warwick,² Doe’s mother’s return to

² R.I.G.L. 16-64-1 also provides that “...when parents are unable to care for their child on account of parental illness...the child shall be deemed to be a resident of the city or town where the child lives with his or her legal guardian, natural guardian, or other person acting in loco parentis to the child.”

good health and her ability to resume the custody and care of her child have effectuated a change in Doe's residency for school purposes.

Student Doe shall be dis-enrolled from the Warwick school system and enrolled in Coventry no later than March 25, 2016. This date should provide ample time for Student Doe's transition into an appropriate classroom within the Coventry school system. In the meantime, if Mrs. Doe is successful in securing a residence in the city of Warwick, she should inform school administrators at Gorton Junior High School as soon as she has done so.

For the Commissioner,

Kathleen S. Murray,
Hearing Officer

Ken Wagner, Ph.D.
Commissioner

DATE: 3/6/16