

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

IN RE: RESIDENCY OF STUDENT D. DOE

Decision

Held: Student Doe's residence changed from North Providence to Providence after the end of the first semester. He is entitled to complete the second semester of the 2015-16 school year at North Providence High School, but must enroll in the Providence school district for the 2016-17 school year absent any change in his living arrangement.

Date: April 6, 2016

Introduction

This matter concerns a residency determination requested by the North Providence School Department pursuant to R.I.G.L. 16-64-6.¹

Background

Student Doe enrolled in the 9th grade at North Providence High School for the 2015-16 school year. The facts concerning his residency evolved over the course of this proceeding. As of the last hearing, it was established that:

- A mistaken address was given to the North Providence School Department at the time of Doe's enrollment.
- Until on or about February 9, 2016, Doe lived with his grandmother in North Providence.
- As of March 21, 2016, Doe took up residence with his mother in Providence.
- Doe's mother plans to lease a residence in Providence in April 2016.
- The first semester of the North Providence school year ended on or about January 22, 2016.

Positions of the Parties

North Providence contends that multiple hearings in this matter occurred because of Doe's mother's evasiveness, and for that reason Doe should be dis-enrolled from North Providence immediately and ordered to enroll in Providence. In the alternative, North Providence argues that if Doe is allowed to complete the second semester at North Providence High School, he be ordered to enroll in the Providence school district for the 2016-17 school year unless his residence changes again.

Counsel for Doe's mother acknowledges Doe's move to Providence on March 21, 2016. Citing R.I.G.L. 16-64-8, counsel requests that Doe be allowed to complete the second semester of the current school year at North Providence High School.

Discussion

The undisputed facts show that Doe resided in North Providence until shortly after the completion of the first semester of the 2015-16 school year. He then became a resident of

¹ The request was filed on November 16, 2015. After several postponements, hearings were held on February 22, March 8 and March 24, 2016. North Providence, Providence and, eventually, Doe's mother were represented by counsel at the hearings.

Providence. While we understand North Providence's objection to the duration of this proceeding, we do not find it cause to suspend the application of the statutory rule. Section 16-64-8 provides in relevant part that

When 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 . . . No school district shall be required to provide transportation to a student exercising the option permitted by this section.

We therefore grant Doe's request that he be allowed to complete the second semester of the 2015-16 school year at North Providence High School.

Conclusion

Student Doe's residence changed from North Providence to Providence during the second semester at North Providence High School. In accordance with §16-64-8, he shall be allowed to complete the second semester at North Providence High School. North Providence is not required to provide Doe with transportation. Absent any change in his living arrangement, Doe shall be enrolled in the Providence school district on a timely basis for the 2016-17 school year.

Paul E. Pontarelli
Hearing Officer

Approved:

Ken Wagner, Ph.D.
Commissioner of Education

Date: April 6, 2016