

Introduction

This matter concerns a request by the South Kingstown School Committee to determine the residency of Respondent's son.
(Joint Exhibit 1).¹

As set forth below, we hold that Respondent's son is a resident of Narragansett for school enrollment purposes.

Background

The following facts are undisputed:

Respondent's son has attended South Kingstown High School since September 1990. He currently is in the 11th grade. At the time of his enrollment in South Kingstown High School, he was residing in South Kingstown.

On January 18, 1992, the student's residence changed to Narragansett. The first semester at South Kingstown High School ended on January 24, 1992. As of the date of the hearing,² Respondent's son remained a resident of Narragansett.

Positions of the Parties

Relying on the fact of the student's change of residency to Narragansett prior to the end of the first semester, the School

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- 1 The Commissioner designated the undersigned Hearing Officer to hear this appeal. It was heard on May 6, 1992, and the record closed on May 14, 1992.
 - 2 Respondent presented evidence of her intention and plans to establish residency with her son in South Kingstown. No actual change in residence has been established in the record, however.

Committee requests that he be immediately enrolled in the Narragansett public schools. Respondent argues that her son should not be penalized by having to change schools so late in the school year, and she contends that a change in schools at this time will adversely affect his academic performance.

Discussion

Under Rhode Island General Laws 16-64-6, the Commissioner has the authority to resolve disputes concerning the residency of a child for school attendance purposes. R.I.G.L. 16-64-1 states in pertinent part that "[e]xcept as otherwise provided by law or by agreement a child shall be enrolled in the school system of the town wherein he or she resides." R.I.G.L. 16-64-8 provides that "[w]hen 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 town of residence."

The facts of this case clearly establish that Respondent's son is currently a resident of Narragansett for school enrollment purposes. Furthermore, the son's residence in Narragansett commenced during the course of the first semester at South Kingstown High School. In John Y. Doe vs. East Providence School Committee, November 18, 1991, the Commissioner found that the student's residence had changed from East Providence to Warren. The Commissioner stated that

[t]he record in this case demonstrates that this student's residence changed during the summer and that his enrollment in the East Providence School System was, in fact, contrary to the State's residency law. We see nothing in the statute which

prevents the Commissioner from rectifying this situation. Of course, this is a somewhat moot point since we are now well into the first semester and some time will elapse in consulting with Warren to ensure an orderly transition for this special education student to the Warren Public Schools. (Emphasis in original, Decision, pp. 1-2).

In view of the undisputed facts regarding residency, we hold that Respondent's son must be enrolled in the Narragansett school system. As in the Doe case, we will forward a copy of this decision to the Superintendent of Schools in Narragansett with the expectation that South Kingstown and Narragansett will work together to provide a smooth transition of this student to the Narragansett school system.

This case differs from Doe, however, in that this residency determination is being rendered very late in the school year. We are concerned with the potential impact of a transition at this time on the student's academic standing. That subject was addressed at the hearing.³ We commend the School Committee for considering the best interests of the student involved herein, and, given the fact that there are only 3 weeks of school remaining, we urge the School Committee to allow the student to finish the current school year at South Kingstown High School.

3 Arthur B. Campbell, Superintendent of Schools in South Kingstown, testified that if he learned or determined that the student's move to Narragansett at this time would result in lost credits and penalize him academically, he would recommend that the School Committee allow the student to continue the semester at South Kingstown High School.

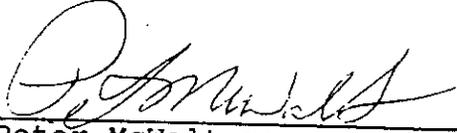
Conclusion

Respondent's son is a resident of Narragansett for school enrollment purposes. South Kingstown will cooperate with Narragansett to provide a smooth transition of this student to the Narragansett school system.



Paul E. Pontarelli
Hearing Officer

Approved:



Peter McWalters
Commissioner of Education

May 27, 1992