

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

AND

PROVIDENCE PLANTATIONS

\*\*\*\*\*

CHRISTOPHER L. \*

V. \*

SMITHFIELD SCHOOL COMMITTEE \*

\*\*\*\*\*

DECISION

Held: Student is found to be  
a resident of North  
Providence for school  
purposes.

Date: November 3, 1995

## I. Findings of Fact

Christopher L , who lives in Smithfield, is the father of Student Doe, a student who is now attending Smithfield Junior High School. Student Doe's parents are divorced. His mother now lives in North Providence. Although the applicable divorce decree gives Christopher L the right to "physical possession of Student Doe" he has elected not to exercise this right. Instead he has allowed Student Doe to live with his mother in North Providence. This decision was based upon what Mr. L believes to be the best interests of Student Doe.

## II. Conclusions of Law

At R.I.G.L. 16-64-1 the law governing the Residence of Children for School Purposes states: "If the child's parents reside in different towns the child shall be deemed to be a resident of the town in which the parent having actual custody resides". (Emphasis added). Since Student Doe is in the actual custody of his mother we are constrained to rule that Student Doe is, under the law, now a resident of North Providence for school purposes.

## Conclusion

Student Doe now is a resident of North Providence for school purposes. Smithfield and North Providence are required to communicate to ensure that this student's transfer to the schools of North Providence takes place with as little disruption as possible.

  
Forrest L. Avila, Esq.

Approved:

  
Peter McWalters, Commissioner

Date: November 3, 1995