

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

AND

PROVIDENCE PLANTATIONS

IN THE MATTER OF:
RESIDENCY OF STUDENT M. DOE

DECISION

Held: Evidence establishes that the student currently enrolled and in attendance at West Warwick's Deering Middle School has resided in Coventry prior to the end of the 2012-13 school year. The parent of the student shall effect his disenrollment from West Warwick and enroll him in Coventry at the end of the current school year.

Date: March 17, 2014

Introduction

This matter comes before the Commissioner of Education on a formal request by the West Warwick School Department dated November 25, 2013 (West Warwick Sch. Comm. Exhibit 1) by which it seeks a student's residency determination.¹

Background

Student M. Doe currently attends Deering Middle School in West Warwick. His mother provided a West Warwick address when she enrolled him in the West Warwick school system. During the 2012 -2013 school year, M. Doe's absences from school were such that truant officer Jill Sabatine filed a truancy petition and served a summons upon M. Doe's mother in April of 2013, thereby requiring her to accompany M. Doe for an appearance in truancy court. When M. Doe and his mother failed to appear at truancy court, Ms. Sabatine visited the purported West Warwick residence of M. Doe only to find the home vacant. As a consequence, M. Doe's guidance counselor and Ms. Sabatine met with M. Doe at school and were told by him that "they had moved to 11 Maplewood Drive in Coventry." When Ms. Sabatine went to the Coventry address to confirm the information offered by M. Doe, his mother "answered the door" and was advised by the truant officer that she would have to register M. Doe in Coventry or establish residency in West Warwick in order to continue M. Doe's enrollment there.

M. Doe completed the 2012 -2013 school year in West Warwick. For the 2013 -2014 school year, M. Doe's mother provided an address at 1 Jefferson Street, West Warwick. As in the previous school year, M. Doe's absences forced the issuance of another truancy petition and summons with the same results: neither M. Doe nor his mother attended the proceedings before

¹ A hearing was held on January 23, 2014. The West Warwick and Coventry school districts were represented by respective counsel. M. Doe's mother was notified of the hearing by certified mail forwarded to the Coventry address. Proof of receipt of the mailing was returned to the Department of Education. M. Doe's parent neither attended the hearing nor did she make any attempt to contact the Department of Education.

the truancy court. Student M. Doe continued to be absent from school. Ms. Sabatine visited the Jefferson Street address on November 7, 2013, and encountered M. Doe's maternal grandfather. The grandfather informed Ms. Sabatine that neither the parent nor M. Doe lived there. In a subsequent visit with the guidance counselor and Ms. Sabatine, M. Doe stated that he lived with his grandfather and that his mother lived in Coventry. On November 13, 2014, Ms. Sabatine paid another visit to the grandfather who stated that his grandson "stays here occasionally." Ms. Sabatine called M. Doe's mother on November 18, 2014, and the mother stated that she and her son lived with the grandfather for 3 weeks.

On January 17, 2014, the Department of Education notified the mother by certified mail to the Coventry address of the scheduled hearing in this matter.² Receipt of the certified mailing was signed and returned to the Department of Education. (West Warwick Sch. Comm. Exhibit 2) On the scheduled date of hearing, January 23, 2014, Doe's mother neither attended nor in any way attempted to contact the Department of Education.

Positions of the Parties

West Warwick states that the evidence as introduced through the truant officer, including the information provided by M. Doe's grandfather and the admissions by M. Doe and his mother, established that M. Doe lives in Coventry. West Warwick requests that M. Doe be ordered to disenroll immediately. Coventry acknowledges its obligation to enroll M. Doe and to provide him with a public education on the condition that the district's residency protocols are met by M. Doe's parent.

² Prior to the hearing, a pre-hearing conference was scheduled on January 15, 2014. Both districts were represented by counsel. As done in notifying the parent of the hearing, M. Doe's mother was notified of the pre-hearing conference by certified mail sent to the Coventry address. Receipt of the mailing was returned to the Department of Education. M. Doe's parent neither attended the pre-hearing conference nor made any attempt to contact the Department of Education.

Discussion

It is a rebuttable presumption that “[a] child shall be deemed to be a resident of the city or town where his or her parents reside.” RIGL 16-64-1. The factual basis for West Warwick’s position that M. Doe resides with his mother in Coventry is entirely unimpeached. The relevant evidence clearly establishes that M. Doe and his mother live in the Town of Coventry, and in fact have lived in Coventry relating back to the 2012 – 2013 school year. Accordingly, a determination is hereby made that M. Doe is a resident of Coventry for school purposes relating back to April 2013.

Conclusion

Student M. Doe is a resident of the Town of Coventry and is therefore subject to disenrollment from the West Warwick School District at the end of the current school year. His parent is hereby ordered to enroll him for the 2014 -2015 school year in the Coventry School District and to otherwise comply with compulsory attendance requirements pursuant to RIGL 16-19-1.

George M. Muksian
Hearing Officer

Approved

Deborah A. Gist
Commissioner of Education

Date: March 17, 2014