

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

IN RE: RESIDENCY OF  
AW DOE, WW DOE and L DOE

**INTERIM PROTECTIVE ORDER**

WHEREAS, this matter having come before the Commissioner of Education on a petition of the custodial parent of Students AW Doe, WW Doe and L Doe (the Students), dated the 3<sup>rd</sup> day of September, 2015, seeking a reversal of the North Kingstown School Department's (North Kingstown) denial of enrollment in the North Kingstown school system on grounds of non-residency and the issuance of an interim protective order;

WHEREAS, Rhode Island's school residency law restricts school enrollment to students whose parents are residents of a city or town and thereby provides a fair, orderly and predictable system of student enrollment;

WHEREAS, Rhode Island's school residency law provides that a student is deemed to be a resident of the city or town where he or she lives with a legal guardian or other person in loco parentis to the student;

WHEREAS, North Kingstown has denied enrollment of the Students in its school system because of a previous decision issued by the Acting Commissioner of Education

finding that the custodial parent resided in the City of Warwick rather than the Town of North Kingstown and therefore resulted in an order requiring the parent to dis-enroll the children from the North Kingstown School District at the conclusion of the 2014-2015 school year and, accordingly, requiring the Students to attend school in the Warwick School District or other appropriate school district (*See AW Doe and WW Doe v. North Kingstown School Department* (Commissioner's Decision, July 16, 2015));

WHEREAS, this matter was heard on the custodial parent's appeal and petition for the issuance of an interim protective order by a hearing officer designated by the Commissioner of Education on the 10<sup>th</sup> day of September, 2015;

WHEREAS, the findings being established to the reasonable satisfaction of the designated hearing officer are that:

- The custodial parent was evicted by legal process and the issuance of a Rhode Island District Court judgment, dated the 21<sup>st</sup> day of July, 2015, from her residence located at 2b Eagle Nest, Warwick, Rhode Island 02818 (*See Parent's Exhibit 4*);
- The custodial parent resides temporarily with her children at the home of her parents located at 431 Ten Rod Road, North Kingstown, Rhode Island 02852;
- The custodial parent has received official state business mail at the address located at 431 Ten Rod Road, North Kingstown, Rhode Island 02852 (*See Parent's Exhibit 3*);
- The custodial parent's motor vehicle is registered to the address located at 431 Ten Rod Road, North Kingstown, Rhode Island 02852 (*See Parent's Exhibit 7*);
- An automobile purchaser's tax return issued by the Rhode Island Division of Taxation indicates the custodial parent's address to be located at 431 Ten Rod Road, North Kingstown, Rhode Island 02852 (*See Parent's Exhibit 8*);
- It is represented in a letter dated September 8, 2015, from Marsha L. Welch, a real estate broker, that the custodial parent has paid a deposit for leasing an apartment

at 30 Tower Hill Road, Unit 1, North Kingstown, Rhode Island (*See Parent's Exhibit 1.*)

NOW THEREFORE, based on the foregoing, it is hereby

**ORDERED, ADJUDGED and DECREED**

- 1) that the North Kingstown School Department shall accept and process forthwith the Students' application for enrollment for the 2015-2016 school-year;
- 2) that this matter shall be scheduled for a full hearing on the merits on the 1<sup>st</sup> day of October, 2015.

For the Commissioner

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George M. Muksian, Hearing Officer

Approved:

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Ken Wagner, Commissioner

Date: September 10, 2015