

STATE OF RHODE ISLAND
COMMISSIONER OF EDUCATION

STUDENT M. DOE,
By his parent,

Petitioner

v.

EAST PROVIDENCE SCHOOL
DISTRICT,

Respondent

In re: Residency of Student M. Doe

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RIDE No. 26-038K

DECISION AND ORDER

Held: Petitioner's appeal of school district's determination of non-residency is granted because the school district failed to effectively rebut Petitioner's sworn testimony and documents evidencing that the parent resides with her child in the district for school attendance purposes.

July 31, 2026

I. INTRODUCTION

On or about May 20, 2026, Petitioner, Ms. Doe, on behalf of her child, Student M. Doe (“Doe”), filed a petition with the Commissioner of the Rhode Island Department of Elementary and Secondary Education (“Commissioner” and “RIDE,” respectively) appealing the East Providence School District’s (“East Providence” or “District”) determination that Ms. Doe does not reside in the City of East Providence for school purposes.

II. JURISDICTION, STANDARD OF REVIEW, AND BURDEN OF PROOF

The Commissioner has jurisdiction over this appeal pursuant to R.I. Gen. Laws § 16-39-1 and § 16-64-6, and as the Commissioner has noted on many occasions, the applicable standard of review is *de novo*. See *Alba v. Cranston School Committee*, 90 A.3d 174, 185-85 (R.I. 2014) (citing *Slattery v. School Committee of Cranston*, 116 R.I. 252, 262 (1976)). The Petitioner has the burden of proof by a fair preponderance of the evidence. See *Student E. Doe v. Central Falls School District*, RIDE No. 20-16A (February 12, 2020).

III. MATERIAL FACTS

The material facts are not in dispute, and the following recitation was deduced from the testimony and documentary evidence submitted at the hearing before the undersigned Hearing Officer on June 26, 2026¹:

1. Doe is currently a second-grade student at Alice M. Waddington Elementary School in East Providence.
2. Petitioner testified that she presently resides in Riverside² with Doe at a home her parents have owned since 1994 (“Riverside Address”). Hr’g Tr. 7:13, 23:21-23, 47:4-10.

¹ The Providence Public School District was invited to attend the hearing but declined to do so.

² There is no dispute that Riverside is located in the District for school attendance purposes.

3. Petitioner's driver's license, paystubs, certificate of automobile insurance, credit card statement, bank statement, vehicle registration certificate, Rhode Island voter information card, W-2s, doctor's invoice, court summons, and credit card collection notice each individually list her current residence as the Riverside Address. *Id.* at 18:14-16, 19:8-21; Pet'r Exs. B, C, D, G, H, I, J.
4. In 2016, Petitioner testified to purchasing a home with her then-boyfriend, and Doe's father, located in Providence ("Providence Property"). Hr'g Tr. 22:7-14. This purchase included both the Providence Property and a separate, neighboring lot of land. *Id.* at 21:3-8.
5. Petitioner testified to residing at the Providence Property from 2016 through approximately April 2021, when she and Doe's father separated. *Id.* at 24:13-14.
6. As a result of the separation, she moved back into the Riverside Address with her son, who was approximately 2.5 years old at the time, for both financial and childcare support. *Id.* at 25:2-4, 39:22-24.
7. Petitioner and her parents each testified that Petitioner and Doe have continuously resided at the Riverside Address since April 2021, with Petitioner sometimes spending a few nights a week at her girlfriend's home.³ *Id.* at 32:2-4, 33:9-10, 39:20-40:22, 44:21-45:4, 45:11-19.
8. Testimony confirmed that Petitioner has not stayed overnight at the Providence Property since first moving out over five years ago. *Id.* at 33:20-23, 36:4-5, 36:17-37:2.
9. After moving out of the Providence Property, Petitioner retained ownership of the Providence Property and the neighboring lot, eventually taking ownership solely in her name in approximately 2023. *Id.* at 25:5-18.

³ Petitioner's girlfriend also resides in Riverside. Hr'g Tr. 32:13-14.

10. In September 2021, she began renting the Providence Property to her friend (“Renter”) in an effort to retain ownership of the property, with the hopes of the property value increasing for an eventual sale, without having to pay the full property bills out of pocket. *Id.* at 25:19-23, 27:1-3.
11. Monthly rental receipts from December 12, 2025 through May 10, 2026 and the most recent House Rental Agreement dated December 12, 2025, covering the time period of January 1, 2026 through January 1, 2027, evidence that Petitioner rents the Providence Property for \$1,500.00 per month to Renter, with Petitioner paying all utility bills. *Id.* at 28:18-20; Pet’r Exs. A, K.
12. Testimony demonstrates that the Providence Property is a single-family residence that consists of one approximately 1,300 square foot unit that is not designed for two separate families. Hr’g Tr. 21:9-15, 22:5-6.
13. Petitioner and Renter testified that the Providence Property was built in the 1930s, and especially because she rents the house to a friend, Petitioner is frequently at the Providence Property making maintenance visits, taking out the trash, and feeding the stray cats. *Id.* at 7:20-22.
14. Petitioner explained that she and/or her girlfriend are often at the Providence Property in the mornings, on lunch, after work, and sometimes on the weekends, “it just all depends on what’s going on because [the property] is a little decrepit and falling apart.” *Id.* at 8:4-8.
15. Petitioner also testified that she is in the process of selling the neighboring lot of land, so is also often at the property preparing the lot for sale. *Id.* at 7:22-8:3; Pet’r Exs. E, F.
16. Petitioner’s parents each testified that Petitioner typically leaves the Riverside Address around 7:00 to 7:30 a.m. each weekday morning for work, with Petitioner testifying that she

works from 8:00 a.m. to 5:00 p.m. Monday through Friday and noting that her office is located only a few blocks from the Providence Property. Hr’g Tr. 34:8, 41:12, 46:2-5.

17. Petitioner’s mother testified that she puts Doe on the bus every morning at the Riverside Address due to Petitioner’s work schedule, with Doe getting picked up by the bus each morning around 8:30 a.m. *Id.* at 41:20-42:7.

18. East Providence’s Attendance and Residency Officer (“Attendance Officer”) testified to initiating an investigation on or around April 7, 2026 into Petitioner’s actual place of residence for school attendance purposes at the District’s request following a report of Doe telling a teacher that he “stay[ed] with [his] grandparents during the week [because] it takes two bridges to get to Mommy’s house” on the weekend. *Id.* at 60:1-11, 61:3-6, 66:13-16.

19. The District and the Attendance Officer interpreted Doe’s statement as meaning that Petitioner actually resides at the Providence Property, and not the Riverside Address. *Id.* at 60:12-15.

20. Upon initiating his investigation, the Attendance Officer testified that he notified Petitioner of his investigation, at which point she invited him to the Riverside Address to see her and Doe’s living arrangements. *Id.* at 61:24-62:14.

21. Petitioner also confirmed with the Attendance Officer that she drives a gray Volkswagen with Rhode Island license plates, though clarified through testimony that her girlfriend also frequently drives this vehicle with her permission. *Id.* at 20:21-22, 63:3-19, 109:7-9, 116:4-6.

22. Per the Attendance Officer’s Investigation Report, testimony, and surveillance photographs, he visited the Providence Property eleven times from April 9, 2026 through June 15, 2026,

with all surveillance visits occurring between the hours of approximately 6:30 a.m. and 8:00 a.m. Resp. Ex. 3; *see generally* Hr'g Tr.

23. Of these eleven visits, the Attendance Officer observed Petitioner's vehicle parked outside of the Providence Property on nine separate occasions. Resp. Exs. 3, 4, 5, 6, 8, 9, 10, 11, 12; *see generally* Hr'g Tr.

24. During one of these visits, the Attendance Officer observed Petitioner's vehicle exit the Providence Property with an unidentified driver and passenger and return approximately five minutes later with only the driver. Resp. Ex. 3; Hr'g Tr. 82:3-14.

25. Petitioner clarified during her testimony that her girlfriend, who is currently unemployed, will routinely assist Petitioner with maintaining the Providence Property before work, drop Petitioner off at work in Petitioner's vehicle, then return to the Providence Property to resume any outstanding property maintenance. Hr'g Tr. 110:5-19, 116:4-6.

26. During this same seven-week investigatory timeframe, the Attendance Officer visited the Riverside Address eight times, with all surveillance visits occurring between the hours of approximately 7:00 a.m. and 8:00 a.m. Resp. Ex. 3; *see generally* Hr'g Tr.

27. Of these eight visits, the Attendance Officer observed Petitioner's vehicle parked outside of the Riverside Address twice, though Petitioner clarified that the white Nissan noted as being parked outside the Riverside Address on a third occasion during one of the Attendance Officer's surveillance visits was her rental vehicle at the time while her vehicle was being repaired. Resp. Exs. 3, 13; Hr'g Tr. 109:10-21.

28. Of note, the Attendance Officer testified that on May 28, 2026, he had a second conversation with Petitioner during which he informed her that Doe would be disenrolled from East Providence for non-residency. Hr'g Tr. 95:24-96:24.

29. Petitioner's vehicle was then observed as being parked outside the Riverside Address for the first time since opening the investigation on May 29, 2026. Resp. Ex. 3; Hr'g Tr. 101:9-16.
30. The Attendance Officer did not conduct any evening surveillance at either of the properties. *See generally* Resp. Ex. 3; Hr'g Tr.
31. The Attendance Officer never observed Petitioner in-person at either property and he never observed Petitioner driving her vehicle; instead, he only ever observed Petitioner's parked vehicle. Hr'g Tr. 89:3-90:20, 108:21-109:3.
32. The Attendance Officer never entered or otherwise visited either the Riverside Address or the Providence Property to view Petitioner's and/or Doe's purported living arrangements. *Id.* at 105:9-106:1.
33. The Attendance Officer did observe Doe's grandmother putting Doe on the bus on one occasion at the Riverside Address; Petitioner was not present during this observation. *Id.* at 98:17-99:8.
34. Based upon his investigation, the Attendance Officer opined that Petitioner actually resides at the Providence Property. *Id.* at 101:17-22.

IV. POSITIONS OF THE PARTIES

1. Petitioner

Petitioner argues that she resides with her son in her parents' Riverside home and that she has continuously resided at the Riverside Address since approximately April 2021. Petitioner does not dispute owning the Providence Property and further does not dispute the Attendance Officer's investigatory findings that her vehicle was parked outside of the Providence Property on several occasions. She instead avers that such findings are not convincing because she has admitted to frequently visiting the Providence Property for maintenance and further argues that

no one has ever seen her in person at the Providence Property to suggest that she either resides or, minimally, spends the night there. Such evidence, taken together, does not prove that she resides at the Providence Property. Instead, she adamantly maintains that she does not reside at the Providence Property and has not lived in the home for over five years.

2. East Providence

The District argues that the Attendance Officer's investigation shows that Petitioner actually resides at the Providence Property for school purposes because her vehicle was seen at "inordinately early morning hours," before Petitioner's parents indicated Petitioner leaves for work, and that if Petitioner was doing maintenance on the property as she claims then she would have been seen at the property. The District further argues that the rent is "very low for the property." When all these factors are considered, the District argues that Petitioner does, in fact, reside at the Providence Property and, therefore, Doe should be unenrolled in East Providence and instead enrolled in Providence.

V. DECISION

1. Petitioner met her burden of establishing that she and Doe reside within East Providence for school purposes, and the District failed to introduce sufficient evidence in rebuttal.

R.I. Gen. Laws § 16-64-1 provides, in pertinent part:

Except as provided by law or by agreement, a child shall be enrolled in the school system of the city or town where he or she resides. A child shall be deemed to be a resident of the city or town where his or her parents reside.

The dispute at issue in this case did not center on any special circumstances arising under Rhode Island residency laws but instead focused only on Petitioner's actual living arrangements. Through both testimony and documentary evidence, Petitioner met her burden of establishing that her primary residence is located in Riverside for school purposes. Both Petitioner and her

parents testified that she resides at the Riverside Address and has continuously lived at the Riverside Address since April 2021, when Doe was approximately 2.5 years old. Petitioner and Renter also testified that Petitioner has not stayed overnight at the Providence Property since she moved out over five years ago. Moreover, Petitioner's legal, work, and financial documents all list her address as the Riverside Address. Such evidence, when viewed together, sufficiently demonstrates that Petitioner resides in Riverside, and within East Providence, for school purposes.

Thus, the burden of persuasion shifts to East Providence, with the District essentially relying on two arguments in rebuttal, as detailed *supra*. Each argument is addressed in turn below.

First, although East Providence introduced extensive documentary and testimonial evidence establishing that Petitioner's vehicle was frequently parked outside the Providence Property as early as 6:41 a.m. on weekdays, such evidence standing alone does not refute Petitioner's showing that she does not, in fact, reside at the Providence Property. Petitioner testified to frequenting the Providence Property before work to take out the trash, feed the stray cats, and perform general property maintenance, which easily explains why her vehicle was seen at the Providence Property on these mornings. While true that Petitioner's vehicle already being parked in front of the Providence Property at 6:41 a.m. means Petitioner must have arrived at the property at some point earlier in the morning, all of the sightings of Petitioner's vehicle were before her stated work hours, thus essentially corroborating her testimony that she performs property maintenance before work. East Providence failed to introduce any evidence demonstrating that Petitioner's vehicle was parked at the Providence Property overnight and the Attendance Officer did not perform any evening surveillance to rebut Petitioner's testimony that

she has not stayed overnight at the Providence Property in at least five years. Further, while Petitioner's parents testified that she typically leaves the Riverside Address for work around 7:00 to 7:30 a.m., her parents clarified that they do not see her every morning and every night because Petitioner's bedroom is on a different level of the home than her parents, and the District did not elicit any testimony directly from Petitioner as to when she leaves for work to either contradict or confirm her parents' testimony and the Attendance Officer's investigatory observations.

Additionally, East Providence failed to introduce any evidence showing Petitioner was, in fact, at the Providence Property when her vehicle was parked outside. Though East Providence argues that this lack of evidence infers that Petitioner was not doing any property maintenance, both Petitioner's testimony and common sense dictate that Petitioner could have been doing such maintenance in or behind the home and thus out of the Attendance Officer's sight or, alternatively, that her girlfriend was maintaining the property in Petitioner's absence while using Petitioner's vehicle. Instead, Petitioner's testimony that she frequently visits the Providence Property before and after work for property maintenance and that her girlfriend assists with the property maintenance while using Petitioner's vehicle was essentially corroborated by the Attendance Officer's investigation. Specifically, he reported an incident wherein Petitioner's vehicle was seen exiting the Providence Property with a driver and passenger before returning with only the driver immediately before Petitioner's stated work hours, thus creating an inference that Petitioner was visiting the property before work and that her girlfriend was using her vehicle to assist with the property maintenance as Petitioner consistently testified. Under such circumstances, it simply cannot be said that Petitioner actually resides at the Providence Property simply because her vehicle, and her vehicle alone, was seen at the property on several occasions.

Second, the low rent paid by the Renter for the Providence Property is of little consideration in establishing Petitioner's living arrangements. Petitioner testified that she had no intention of ever becoming a landlord and renting the Providence Property for profit but simply wanted to retain the property with the hopes of selling it for maximum value at a later date and, in an effort to cover the bills, decided to rent the property to a close friend for just enough money to cover the property bills. East Providence failed to introduce any evidence rebutting this testimony.

Importantly, East Providence also failed to introduce any evidence establishing Petitioner's actual living arrangements, or lack thereof, within either the Providence Property or the Riverside Address. The Attendance Officer never did a home inspection of the Riverside Address and never observed the interior of the Providence Property. This lack of potentially persuasive evidence marks another deficiency in East Providence's case.

Accordingly, when the evidence is viewed together and weighed as a whole, Petitioner has established that she and Doe, in fact, reside in Riverside for school purposes, and East Providence has failed to rebut Petitioner's showing.

VI. ORDER

For all of the above reasons:

1. The petition is hereby granted; and
2. Student M. Doe shall remain enrolled in the East Providence School District.

/s/ Angelica Infante-Green
ANGÉLICA INFANTE-GREEN,
Commissioner

/s/ Kaelyn R. Phelps Prigge
KAELYN R. PHELPS PRIGGE, ESQ.,
as Hearing Officer for the Commissioner

Date: July 31, 2026