

September 22, 2015

Dr. Ken Wagner
Commissioner
RI Department of Education
255 Westminster Street
Providence, RI 02903

HAND-DELIVERED

Dear Dr. Wagner:

Let me begin by congratulating you on your appointment as RIDE Commissioner. Representing an organization that, as you probably know, deals with a number of educational issues involving students' rights, I look forward to being in touch with you, and hopefully working together on issues of mutual concern, in the months and years ahead.

I am writing you at this time to urge your prompt intervention in a matter documented in a news story that appeared yesterday on WJAR-TV. I have enclosed a copy of the online story from the station's website. In a nutshell, the Town of Johnston told a family they could not continue to send their children to Johnston Public Schools because they were living at a motel in the town. As the story explains, the family had just moved to Rhode Island and did not have a permanent residence. There does not appear to be any question that they had no other residence in the state, and therefore clearly were Johnston residents for school residency purposes.

We have not heard from the family and can only speculate, but it appears that Johnston officials took this action unilaterally, and failed to advise them of their right to appeal the decision and to stay enrolled in the Johnston school district until the matter was formally resolved. This is deeply troubling, since it is in direct violation of state law and regulations and is harmful to the affected children.

Even more disturbing, however, is that we discovered that only two years ago, your office reversed the Johnston School Department for engaging in similar action in unilaterally removing from school children whose residency in the district local school officials questioned. *Student S. Doe v. Johnston School Department*, 008-13, March 19, 2013. In addition to ordering the students' immediate reenrollment in that case, the decision ordered the district to "review its school ... residency policies in order to bring its practice into conformance with state and federal law and regulations." A special visitor was specifically appointed to provide "assistance and guidance" to the district in complying with the law. We do not know what resulted from that appointment, but it plainly seems not to have been sufficient.

Page Two
Ken Wagner
September 22, 2015

I note that in 2013 and 2014, Deputy Commissioner Abbott sent out a memo to all school districts reminding them of their obligations to educate students under the state school residency laws. It is unclear to us whether a similar advisory was sent out this year. If not, we would urge that one be distributed.

More importantly, we urge you to revisit the Johnston School District's compliance with the 2013 *S. Doe* ruling and consider requiring additional action by the special visitor who was appointed then. We believe this is necessary in order to ensure, once and for all, that the district complies with the state's critical school residency procedures, which are designed to ensure that a student's access to education is not allowed to fall through bureaucratic cracks. It is also necessary because the clear implication of the Mayor's comments is that the school district intends to continue this municipal crackdown on purported non-residents.

I acknowledge that we are relying solely on a news story for the facts surrounding this incident, but it raises serious enough allegations that we believe it warrants an examination by RIDE, particularly in light of the *S. Doe* decision. If we have misconstrued the events as depicted in the Channel 10 story, we are ready to stand corrected. But if true, it is unconscionable that, so soon after that ruling, the district is depriving children of an education without due process.

Thank you in advance for your prompt attention to this matter.

Sincerely,

Steven Brown
Executive Director

cc: David Abbott
The Hon. Joseph Polisena
Dr. Bernard DiLullo, Jr.