

**Commissioner's Weekly Field Memo**  
**Friday, August 15, 2014**

**Notes from Commissioner Gist**

1. RIDE, The Learning Accelerator partnership draws national attention to [blended learning](#) in Rhode Island
2. RIDE receives grant to expand participation in [AP Exams](#)
3. U.S. Department of Education issues information on school enrollment and [immigrant children](#)
4. LEAs reminded of state law on sale of [beverages, snacks](#) at school fundraisers

**From the R.I. Department of Education (RIDE)**

***Legal:***

5. RIDE General Counsel issues memo, forms on [residency](#) decisions

***Office of Educator Quality:***

6. Returning evaluator fall make-up training [sessions](#)

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**Action Item Calendar**

September 1: Program Quality Improvement [grantees](#) reports due  
September 19: [RITEAAF](#) forms due  
September 30: [UCOA FY 2014](#) data due

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## **Notes from Commissioner Gist**

### **1. RIDE, The Learning Accelerator partnership draws national attention to blended learning in Rhode Island**

Following the announcement last week that RIDE has received a grant from The Learning Accelerator to extend opportunities for blended learning (combining traditional, face-to-face teaching with elements of personalized, online, competency-based education) to all Rhode Island schools we have received excellent media coverage at the local and national level. Ever since our first Innovation Powered by Technology conference two years ago, I have heard tremendous enthusiasm for all forms of digital learning from you and your team, from many educators across the state, and from students and their families. We are fortunate that Rhode Island has eagerly embraced digital or virtual learning – through strong state laws and Board regulations welcoming virtual learning into our schools, through state investments such as the Wireless Classroom Initiative, and through innovative programs in our public schools, including charter public schools. Our partnership with The Learning Accelerator will speed us toward our goal of becoming the first state to provide opportunities for blended learning in every public school. A [Q&A](#) this week in The Hechinger Report provides a good account of our accomplishments and our goals regarding innovations powered by technology in Rhode Island schools.

### **2. RIDE receives grant to expand participation in AP Exams**

We all should be proud that, in recent years, we have seen a steady increase in our state in both participation in and success on College Board AP Exams. Earlier this year, the College Board reported that “Rhode Island continues to make significant gains in the number of low-income students accessing AP” and that Rhode Island “ranks 3<sup>rd</sup> in the nation in the percentage of high schools that provide students with access to AP STEM coursework.” Over the past five years, we have increased the number of graduates leaving high school having taken at least 1 AP Exam from 1,555 (in 2008) to 2,494 (in 2013).

We want to continue to increase access to, participation in, and success on AP Exams, so it’s great news that this week we received word that the U.S. Department of Education is awarding Rhode Island \$74,057 to pay most of the cost for economically disadvantaged students to take advanced-placement tests. The grant from the U.S. Department of Education will enable us to pay a portion of the fees for economically disadvantaged students taking total of about 2,100 exams. Thank you for your continued work to provide opportunities for all high-school students to take challenging and rigorous courses.

### **3. U.S. Department of Education issues information on school enrollment and immigrant children**

This week the U.S. Department of Education issued a [fact sheet](#) on educational services for immigrant children and for recent arrivals in the country. The essence of the fact sheet is the statement that “all children in the United States are entitled to equal access to a public elementary and secondary education, regardless of their or their parents’ actual or perceived national origin, citizenship, or immigration status.” As you are aware, a U.S. Supreme Court ruling has found that it would be unconstitutional to inquire about

the immigration status of any enrolling student. All school-age residents are entitled to enroll in a public school, and all residents of school age must enroll in school. I would be glad to speak with you if you have any questions regarding school enrollment and immigrant children.

#### **4. LEAs reminded of state law on sale of beverages, snacks at school fundraisers**

As you are aware, Rhode Island has strong and clear [laws](#) that schools “that distribute or sell beverages and snacks on their premises” offer only “[healthier](#) beverages” and “healthier snacks.” The law, however, offers exceptions for beverages and snacks sold as part of school fundraising, specifically when:

- the items are sold by pupils of the school and the sale of those items takes place off and away from the premises of the school;
- the items are sold by pupils of the school and the sale of those items takes place one hour or more after the end of the school day; or
- the items sold during a school sponsored pupil activity after the end of the school day.

This week, the U.S. Department of Agriculture wrote a letter urging all Commissioners to review these fundraising policies or laws with local school communities, so I am drawing your attention to this statute. I think you will agree that our laws on fundraising policies and nutrition have worked successfully for many years, but if you have any questions or concerns about our state law on the sale of beverages and snacks at fundraisers, please feel free to contact me for further discussion.

## From RIDE

### ***Legal:***

#### **5. RIDE General Counsel issues memo, forms on residency decisions**

Please see this memorandum from Deputy Commissioner and General Counsel David V. Abbott on determining school residency:

As the beginning of the school year traditionally brings about many questions on the issue of school residency, I am writing to provide a brief reminder of the process by which residency disputes are to be resolved.

Rhode Island General Law 16-64-6 directs that disputes concerning the residency of students shall be resolved by the Commissioner of Education. In order for the statutory mechanism for resolving residency disputes to operate, a school district must notify the parent(s) or guardian of a student of (1) the reason(s) for the district's refusal to enroll the child in school and (2) the right of the parent(s) or guardian to appeal the district's decision to the Commissioner. It is critical for this notice to be given so that gaps in school attendance can be avoided. We have posted on our website a [written notice](#), which we request be used in all determinations that a student is *not* a resident of your district, along with a *Spanish translation* for your use as needed. By use of the written notice, parents can quickly determine whether they agree with the reasons for the residency determination and, if not, seek review of this decision at the state level. In this way, students whose

school residency is in dispute can receive a timely hearing and not be subjected to prolonged periods out of school.

We would appreciate your cooperation in making sure that appropriate staff in your district have copies of this form and that they use it *whenever* a determination is made of a student's non-residency. Please keep in mind that students already enrolled and in attendance cannot be disenrolled from school upon the filing of an appeal by a parent or guardian and while a hearing is pending before the Commissioner's office, because of the state's compulsory attendance law.

*Legal Guardianship:* Please note that our statute R.I.G.L. 16-64-1 provides that a child can establish residency for school purposes even if he lives separate and apart from his parent and even if he lives with a relative or a person who is not his legal guardian. If a child lives with a person who has not been appointed as his legal guardian but who is acting in loco parentis and the purpose for these living arrangements is for some *substantial reason other than to attend a district's schools*, the student is entitled to enroll. A district cannot condition school enrollment on the appointment of a legal guardian. The guardianship would not necessarily change a child's residency unless the guardian has been appointed for a substantial reason other than to change the child's residency for school purposes. In the same respect, a district may not deny enrollment on the basis of a Family Court order of custody or other decree effecting custodial and/or visitation status alone. Though such order or decree may be relevant, a district should consider other indicia of residency before making a decision on residency.

*Completion of semester:* Under R.I.G.L. 16-64-8, if a student changes residence prior to the end of the semester, the student shall be allowed to complete the semester in his or her original school district. If the student is a senior or has completed the junior year and is to enter the senior year, the student shall be allowed to complete the senior year in his or her original city or town of residence.

*Homeless Students – Residency for School Purposes:*

Homeless students receive the protections of the federal McKinney-Vento Homeless Assistance Act. This means that students defined as homeless under the Homeless Act may request to continue their education in the school district of origin while under the protection of the Act. If a homeless student elects to remain in his or her school district of origin, transportation responsibilities shall be divided if crossing LEA lines are necessary and shall remain with the district(s) until fixed housing is obtained. Please keep in mind that while students are awaiting placement in a foster home they are included in the definition of homeless students.

*Children Placed in Foster Care:* Under R.I.G.L. 16-64-1.1, children placed in foster care are entitled to attend school in the city or town in which they are placed. Children placed in foster care also receive protections under the Fostering Connections to Success and Increasing Adoptions Act of 2008. This federal law addresses the needs of these children for educational stability and continuity. Under this law, a foster child is entitled to remain in his or her original school, unless it is not in the child's best interests. If remaining in the school of origin is determined by DCYF not to be in the best interests of the child, then the child must be allowed to enroll in the district where he or she resides with the foster

family. A child's "best interests" will be determined by DCYF after all relevant information about the child has been reviewed.

I hope that this brief summary of the residency rules and procedures will be helpful both now and throughout the school year. Any specific questions should be referred to your district's legal counsel. If we can provide you with any additional information, please contact the Chief Legal Counsel Office, at 222-8979, or email [Vilma.diorio@ride.ri.gov](mailto:Vilma.diorio@ride.ri.gov) .

***Office of Educator Quality:***

**6. Returning evaluator fall make-up training sessions**

[Registration](#) is open for the fall evaluation workshop for returning teacher, support-professional, and building-administrator evaluators in LEAs implementing the Rhode Island Model. This two-day workshop is offered on September 15th and 16th from 8:30-3:00 at the RIDE offices at 255 Westminster Street in Providence. Lunch and parking will be provided. If you have any questions, please email [edeval@ride.ri.gov](mailto:edeval@ride.ri.gov).

***RIDE will post this field memo on Tuesday, at:***

<http://www.ride.ri.gov/InsideRIDE/CommissionerDeborahAGist/FieldMemos.aspx>