



State of Rhode Island and Providence Plantations  
**DEPARTMENT OF EDUCATION**  
Shepard Building  
255 Westminster Street  
Providence, Rhode Island 02903-3400

Deborah A. Gist  
Commissioner

June 28, 2012

Benjamin M. Scungio, Esq.  
Brennan, Recupero, Cascione, Scungio & McAllister, LLP  
362 Broadway  
Providence, Rhode Island 02908

**RE: Request for Advisory Opinion - NKSD/Davisville Elementary School Building Lease**

Dear Mr. Scungio:

Please accept this letter in reply to your June 14, 2012 request for an advisory opinion as to the above-referenced matter. You have represented that The Greene School, a Rhode Island public charter school, wishes to temporarily rent a portion of the Davisville Elementary School building for instructional purposes during its transition to a permanent facility. The Davisville School is operated by the North Kingstown School District, and on its behalf you have asked whether such a rental would endanger the provision of further school housing aid to the Davisville Elementary School building. Given the urgency of your request, I offer the following succinct response.

For purposes of compliance with Rhode Island General Law 16-7-41, it is important to note that the Davisville Elementary School facility will remain under the care and control of the North Kingstown School Committee. Because the Greene School holds a charter issued by the Rhode Island Board of Regents, the facility will be used as a Rhode Island public school. The facility is not being surplused or abandoned and therefore does not fall within the termination-of-aid provisions of the Board of Regents Regulations on School Housing Aid. In fact, the North Kingstown School Department will continue to use the portion of the building that is not being leased. This arrangement also is consistent with R.I.G.L. 16-77.3-2(a)(8) in that North Kingstown, as a sending school district, will be providing support services to the Greene School as part of the lease agreement. Furthermore, some of the students educated by the Greene School at the Davisville Elementary School facility may be residents of North Kingstown.

Accordingly, I would conclude that the lease agreement described in your letter would not endanger the further provision of school housing aid to the Davisville Elementary School.

Sincerely,

Deborah A. Gist  
Commissioner of Education