

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

AND

PROVIDENCE PLANTATIONS

IN RE RESIDENCY OF *

JOHN AND JOSEPH DOE *

DECISION

Held: Appellant's two children are not residents of East Greenwich nor has their residence in East Greenwich been established for any prior time during the current semester. They are not entitled to attend East Greenwich public schools.

Date: November 1, 1995

Travel

On October 3, 1995 the appellant, Mrs. John Doe, filed an appeal with the Commissioner of Education. She sought resolution of a residency dispute which had arisen with East Greenwich school officials who were contesting the eligibility of her two children to attend East Greenwich public schools.

The matter was heard on October 12, 1995, and the transcript received on October 18, 1995. The record in the case closed at that time.

Issue

Are the appellant's two children residents of East Greenwich for school purposes or otherwise entitled to attend East Greenwich public schools?

Findings of Relevant Facts

- Mrs. Doe and her two children currently reside at Ladd Street, Warwick, Rhode Island.
- In late August 1995, Mrs. Doe enrolled her children in school in the town of East Greenwich, indicating on enrollment forms completed at that time that she and her children resided in East Greenwich, Rhode Island.
- On September 20, 1995 when Mrs. Doe was living in Warwick, R.I. a secretary from Cole Junior High School questioned her concerning a notice mailed to her at the East Greenwich address and returned "addressee unknown". Mrs. Doe did not indicate to the school secretary at that time that she no longer lived at the East Greenwich address.
- On September 25, 1995 a school official investigating a truancy report located Mrs. Doe at her place of employment, at which time she indicated she was living in Warwick, Rhode Island.

Decision

The record in this matter clearly indicates that at the time of hearing Mrs. Doe and her children were residents of the city of Warwick. Mrs. Doe did testify, however, that her residency in Warwick began on September 16, 1995 and that immediately prior to that time she resided with her children in the town of East Greenwich. The length of her residency in East Greenwich was brief, she testified, but it was where she and her children lived at the time she enrolled them in the East Greenwich school system and for the first couple of weeks of the school year.

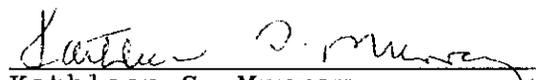
If we accept Mrs. Doe's testimony as true and, if true, sufficient in and of itself to establish the childrens' residency for school purposes, it would create an entitlement for them to complete the current semester in East Greenwich, even though they presently reside in Warwick. See R.I.G.L. 16-64-8, "Completion of Semester of School Year".

For the following reasons, we do not accept Mrs. Doe's testimony regarding her residency in East Greenwich. Mrs. Doe's testimony was fraught with inconsistencies. She contradicted herself with regard to where she had resided after she left the city of Cranston, where she had lived the prior school year. (See pages 5, 11 and 12 of the transcript). When asked the details of the conversation with the secretary who had questioned her residency in East Greenwich on September 20, 1995 Mrs. Doe at first testified

that she had told her she was living at the East Greenwich address, but her name was not on the mailbox. Upon further questioning, Mrs. Doe testified she did not remember what she had told the secretary. She could recall, however, that she had not disclosed the fact she resided in Warwick to the school secretary even though she had just moved there. Although she indicated the existence of two leases which were "at home" which would indirectly substantiate her testimony¹ about her brief period of residence in East Greenwich, and despite being given opportunity to supplement the record, no such documentary evidence was forwarded after conclusion of the hearing. Mrs. Doe was asked if there was any documentation, such as post office records, mail received, or rent receipts, cancelled checks, or any other documentary evidence which would verify that she actually resided in East Greenwich for the brief period of time she testified she lived there. She testified no such documentation existed which would provide direct proof of her residency. Given the fact the appellant's credibility is at issue, the lack of supporting documentation of the appellant's residence in East Greenwich weighs heavily against her. We conclude that her prior residence in East Greenwich is not established in this record.

¹The first document was a lease listing as a tenant the person with whom Mrs. Doe testified she resided in East Greenwich; the second document was a lease for her Warwick residence which would have confirmed the date she took occupancy there.

For this reason, her appeal is denied, and her children shall, as of November 3, 1995², be excluded from East Greenwich schools, unless Mrs. Doe resides in East Greenwich at that time.


Kathleen S. Murray
Hearing Officer

Approved:


Peter McWalters, Commissioner

Date: November 1, 1995

²The end of the first quarter of the school year.