

This matter was heard on December 10, 1987 upon the appeal to the Commissioner of Education of Mr. and Mrs. Glenn T. from a decision of the Richmond School Committee under the provisions of §16-39-2 of the General Laws of Rhode Island.

The appellants appeared pro se, and the School Committee was represented by the Superintendent of Schools, Pasquale F. Nappi. Testimony was taken and oral argument presented. This decision is a de novo decision based upon examination and cross-examination of evidence presented by both parties.

1. Mr. and Mrs. T's children are students at the Richmond School -one in the 4th grade and the other in Kindergarten.
2. The School Department assigned the children at the beginning of the school year to a bus stop in front of their house.
3. On October 7 the assigned pick-up point was changed to the driveway at the next door neighbors.
4. The T's feel that the new stop presents a safety concern for their children.
5. The appellants complained to the School Department in October and requested a return of the pick-up for their children in front of their own house.
6. Mr. Nappi reviewed the route and did not change the pick-up point.
7. The T's were not satisfied with the Superintendent's

decision and they appealed to the School Committee.

8. The appellants petitioned the School Committee stating their case.
9. In early November the Committee considered their petition and refused their request.
10. In a letter received November 16, 1987, the appellants appealed to the Commissioner of Education.

Issue of the Case

Has the School Committee acted in accordance with law and Committee policy in changing the designated pick-up point for the children to get on and off the school bus?

Applicable State Law

The law of the State of Rhode Island which is pertinent in this particular case is cited below:

16-21-1. Transportation of public and private school pupils. - The school committee of any town shall provide suitable transportation to and from school for pupils. . . of elementary and high school grades. . . who reside so far from the. . . school which the pupil attends as to make the pupil's regular attendance at school impractical

Summary of Argument

Mr. and Mrs. T. argue that the changed (October) bus stop (the end of their neighbor's driveway) designated for their children's school transportation is too far away to watch the children until the bus comes and represents a safety hazard since the children are required to walk along a narrow country road without sidewalks and with dangerous traffic.

The School Committee argues that it has created a school bus stop which meets the requirements of the law, and that it has made its decision on a non-discriminatory basis; it has reviewed its decision on-site; and that these items, combined with its policies for distance and safety, fulfill its obligation in this case.

Conclusion

The School Committee has created a bus stop for the children's use to travel to and from school.

Unrefuted testimony was presented that the stop is under .25 of a mile from the house and requires the children to walk along Gardner Road at a maximum of 600 feet. The road speed is controlled as 25 MPH by a traffic control device (a speed sign).

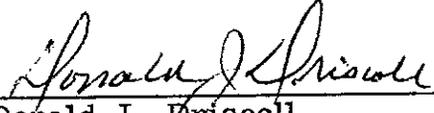
The arguments of a safety hazard while walking and the lack of a clear view of the children while waiting for the bus were refuted by the School Committee in that the Administration conducted an on-site evaluation and deemed both situations to be lacking in substance. The Superintendent testified as to the determinations of safety and distance by the School Department. The T's testified as to their perception of road hazards and personal safety of their children.

The appeal of the T's from a decision of the Richmond School Committee is denied.

The distance from the house to the bus stop is within the policies adopted by the School Committee for its transportation system. The

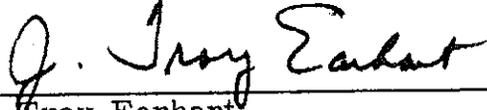
Committee has met the requirements of the law ". . .shall provide suitable transportation to and from school for pupils. . .who reside so far as to make the pupil's regular attendance at school impractical. . . ."

The design and operation of the transportation system is discretionary within the law in its implementation and the School Committee has demonstrated policies and criteria for the development and execution of a "suitable" system and has demonstrated a reasonable response to public concern. In the instant case, the parents offered no proof of a "safety hazard" sufficient to contradict the plan.



Donald J. Driscoll
Hearing Officer

Approved:



J. Troy Earhart
Commissioner of Education

February 11, 1988