

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

RHODE ISLAND DEPARTMENT
OF EDUCATION

vs.

CHARIHO REGIONAL SCHOOL
DISTRICT (BUS MONITORS)

D E C I S I O N

June 28, 1989

In the case at hand the monthly reports submitted by the Chariho School District demonstrate that the District is not in compliance with the school bus monitor law (G.L.16-21-1(b)). The School District has submitted evidence that it has advertised to obtain the services of bus monitors and that it has canvassed parent and senior citizen groups in an effort to obtain monitors. In spite of these efforts it has not been able to locate enough school bus monitors. The District further contends that the law is onerous and potentially expensive to implement. It points out that Chariho is a rural school district where it may be impractical to lengthen already long school bus runs by attempting to qualify for variances predicated on dropping students off on the side of the street where their dwelling is located.

All of these arguments, of course, are arguments which must be addressed to the General Assembly and not to the Commissioner of Education. In particular, we note with regard to Chariho's rural character that the General Assembly, when it has wished to, has exempted rural communities from some traffic regulations (e.g. G.L.31-20-10.4). It has not provided any such an exemption in the school bus monitor law. (G.L.16-21-1(b)). It is certainly not within our power to write such an exemption into the law.

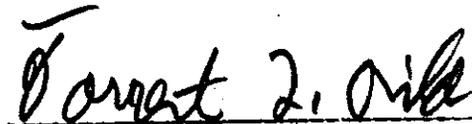
Our other conclusions of law in this matter are fully explained in a companion case entitled, "Rhode Island Department of Education vs. East Greenwich School Committee", April 6, 1989. We incorporate the reasoning contained in the East Greenwich case into the case at hand. (Copy of Decision attached.)

Conclusion

The Chariho Regional School District School Committee is in violation of G.L.16-21-1(b).

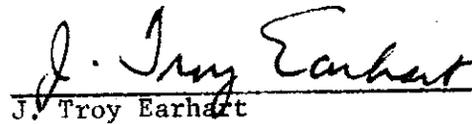
Remedy

The School Committee will submit a corrective action plan to the Commissioner of Education not later than August 1, 1989. Ms. Eloise Boyer is appointed as Special Visitor to monitor the preparation of the plan. If a suitable plan is not submitted to ensure compliance for the 1989-90 school year, sanctions will be imposed to require compliance.



Forrest L. Avila, Esq.
Hearing Officer

Approved:



J. Troy Earhart
Commissioner of Education