

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

In The Matter Of: :

SCHOOL BUS MONITORS :

-in the - :

EXETER - WEST GREENWICH :

SCHOOL DISTRICT :

D E C I S I O N

June 29, 1989

The School Committee of Exeter-West Greenwich concedes that it is in violation of the State's school bus monitor law. (G.L.16-21-1(b)). The documents submitted into evidence in this case also demonstrate that the Committee is in violation of G.L.16-21-1(b). We, therefore, must find that the Committee is not complying with G.L.16-21-1(b).

The Committee argues that the Department's regulations concerning school bus monitors were not properly enacted. Since the regulations are interpretive in nature we conclude, however, that we may properly take notice of them. *Lerner v. Gill*, 463A.ed 1352, ___ R.I. ___.

The only other arguments which the District makes is that the law, in the view of the Committee, is onerous, potentially very expensive, and perhaps impossible to comply with if monitors simply cannot be located. We are sure, however, that arguments relative to expense, difficulty, and the condition of the Rhode Island labor market are all arguments which must be addressed to the General Assembly and not to the Commissioner.

Conclusion

The Exeter-West Greenwich School Committee is in violation of G.L.16-21-1(b).

Remedy

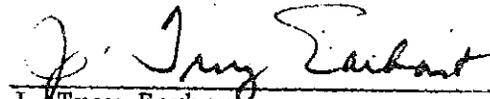
The School Committee will submit a corrective action plan to the Commissioner of Education no later than August 1, 1989.

Ms. Eloise Boyer is appointed 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

June 29, 1989