

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

MICHELE E.
V.
WARWICK SCHOOL COMMITTEE

DECISION

Held: School district must provide
transportation.

This is a transportation case from Warwick. The statute at issue reads as follows:

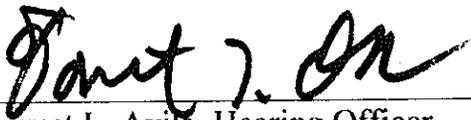
16-21-1. Transportation of public and private school pupils. -- (a) The school committee of any town shall provide suitable transportation to and from school for pupils attending public and private schools of elementary and high school grades, except such private schools as are operated for profit, who reside so far from the public or private school which the pupil attends as to make the pupil's regular attendance at school impractical and for any pupil whose regular attendance would otherwise be impracticable on account of physical disability or infirmity. (Emphasis Added)

We think that this statute means that the school committee must provide transportation to any private school which the student elects to attend within the district. In the case at hand we must reject the school committee's argument that transportation to schools can be limited to schools within particular "parish" boundaries. We reject this argument for two reasons. First of all we think that the statute does not allow for any such limited construction. Moreover we believe that it would be constitutionally impossible for the school committee to take into account or "enforce" parish boundaries drawn up by ecclesiastical authorities. Members of the Jamestown School Committee v. Schmidt, 699 F.2d 1 (1983).

We therefore find that this student has a right to receive transportation to St. Rose of Lima School even if "parish" boundaries might suggest that he attend St. Francis School.

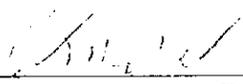
Conclusion

This student is entitled to transportation to St. Rose of Lima School in Warwick.



Forrest L. Avila, Hearing Officer

Approved:



Peter McWalters, Commissioner

7/7/95

Date