

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

AND

PROVIDENCE PLANTATIONS

TERRI S. *

V. *

COVENTRY SCHOOL COMMITTEE *

DECISION

Held: Transportation is
required.

Date: November 16, 1995

Findings of Fact

Jane Doe is a 5 year old Kindergarten student who lives midway along Franklin Road in Coventry. One half of Franklin Road is unpaved. The other half is paved in a rough sense but it is by no means a fully improved street. The paved portion of the road exits on Maple Valley Road. The unpaved portion exits on Route 117. To reach a bus stop at either end of Franklin Road this student would have to walk a little over one-half mile. Franklin Road is essentially a very narrow street with many hills and curve. It runs along a ridge line through a dark densely forested area. There are no sidewalks. There are many boulders close to the road and in many places the road is hedged by dropoffs to ponds and swamps. There are few houses along the route. There is, however, a construction company on the road which uses the road for the passage of its heavy construction equipment.

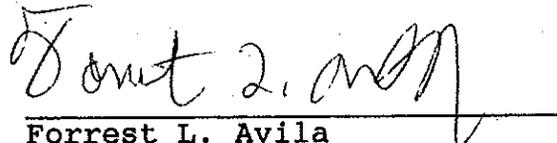
Conclusion of Law

The record establishes that while several other young students are supposed to walk this route none of them in fact do so. They are driven to school by their parents. The police captain called by Coventry as a witness expressed concern about a five year old child being expected to walk this distance without supervision. Our view of this route convinces us that this route is too dangerous for a 5 year old child to walk by herself. The hazards along the roadway, the age of this child, and the distance to be walked

convince us that it would be impractical to expect this student to walk to the bus stop which has been established at the corner of Franklin Road and Route 117 or to the bus stop which has been established at the corner of Franklin Road and Maple Valley Road. Brown v. Elston, 445 A.2d 279.

Conclusion

The Coventry school district must arrange suitable transportation for this 5 year old student.


Forrest L. Avila
Hearing Officer

Approved:


Peter McWalters
Commissioner

Date: November 16, 1995