

STATE OF RHODE ISLAND

COMMISSIONER OF EDUCATION

AND

PROVIDENCE PLANTATIONS

\*\*\*\*\*

ADRIAN AND ROBERTA R

V.

WOONSOCKET SCHOOL COMMITTEE

\*\*\*\*\*

DECISION

Held: State law requires the School Committee to provide suitable transportation, when school attendance would otherwise be impractical. Such requirement extends to the Appellants' six-year old child, who lives .9 mile from school and who would encounter numerous safety hazards on her route of travel.

DATE: JANUARY 21, 1997

### Travel of the Case

On November 8, 1996, Adrian and Roberta R. appealed to the Commissioner of Education from the decision of the Woonsocket School Committee denying transportation for their daughter to and from the Monsignor Gadoury School. The matter was assigned to the undersigned hearing officer and heard on November 26, 1996. The transcript and exhibits were received by the hearing officer on January 8, 1997, at which time the record in the case closed. In the interim, the hearing officer went to view the route in question to observe the route of travel and the alleged safety hazards discussed by the appellants in the record.

### Issue

Does the appellants' child qualify for bus transportation to and from school under R.I.G.L. 16-21-1?

### Findings of Relevant Facts

- The appellants reside at Park Avenue, Woonsocket, Rhode Island.
- Their six (6) year old daughter attends Monsignor Gadoury School located at 1371 Park Avenue, Woonsocket, Rhode Island.
- The distance from the R. home to Monsignor Gadoury School in nine tenths (.9) of a mile.<sup>1</sup>

---

<sup>1</sup>Mrs. R. testified as to a .9 mile distance to school. The Superintendent measured .7. On proceeding along the route this hearing officer measured .9 mile distance.

- The policy of the Woonsocket School Committee with respect to transportation of elementary school students (p4-9.1, S.C. Ex. A) establishes a one mile limit for eligibility for bus transportation.
- The route to be taken by the R.                    child, were she to walk to school, involves crossing eleven (11) streets, some of which are controlled by traffic signals. (Tr. pp. 6-7).
- The section of Park Avenue along which the R.                    child would travel is a mixed residential, commercial and industrial zone, with heavy traffic during the relevant time periods.
- Last year the School Committee provided transportation to and from school for the appellants' child after a specific finding was made that travel along this route posed a safety hazard to her. (Tr. p. 5, 26-28).
- The bus to Monsignor Gadoury School goes directly by the appellants' home, and there are spaces available for their daughter. Tr. p.10.

#### Decision

The courts have provided direct guidance on how we must proceed to analyze the issue of entitlement to suitable transportation under R.I.G.L. 16-21-1. Our Supreme Court in Brown v. Elston, 445 A.2d 279(R.I. 1982) has directed the Commissioner's office to consider a "host of factors affecting the practicality of traveling the distance to and from school" (Brown v. Elston at page 283). We must determine whether or not it would be impractical for the student to go back and forth to school on his own. Elston at 283. If the child's travel would be impractical, the

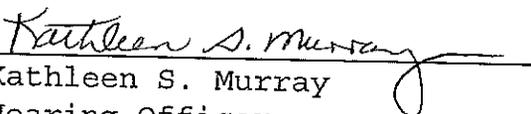
child is eligible for suitable transportation under R.I.G.L. 16-21-1. While distance is a factor, other considerations, such as the age of the child and the presence of safety hazards, must also be considered.

We find the most persuasive evidence in this matter to be the appellant's testimony that on her request, at the start of the 1995-96 school year, school officials provided bus transportation to her daughter even though she did not live the requisite one (1) mile from school. The rationale for the provision of transportation to her was that walking to and from school presented safety hazards. We concur with this finding by school officials and wonder how they came to a different conclusion in the current school year. Our view of the route in question confirms the existence of numerous safety hazards. Even to the most mature, alert young child, the route to and from school poses extraordinary dangers. Park Avenue is not only a heavily traveled road but is an area of intense residential, commercial and industrial development. Traffic enters and exits Park Avenue not just through intersecting roads, but in and out of numerous parking lots and access roads which are located on Park Avenue.

The R. child at age six would be expected to navigate an exceptionally treacherous stretch of road and cross at least ten (10) intersections, many of which are busy but have no traffic controls. Given the combination of relevant factors--age of the child, distance, and safety

factors, we find her travel to and from school on foot to be impractical. In light of such finding, she is eligible for suitable transportation, which in this case consists of her inclusion on a school bus which already goes by her residence and has a seat available for her.

The appeal is sustained.

  
Kathleen S. Murray  
Hearing Officer

Approved:

  
Peter McWalters  
Commissioner

DATE: JANUARY 21, 1997