

Introduction

This matter concerns an appeal from the Chariho Regional School Committee's decision not to change the location of the bus stop for Appellant's daughter.¹

For the reasons set forth below, we sustain the appeal.

Background

Appellant and her daughter reside on Old Coach Road in Charlestown. Appellant's daughter is 10 years old, and she attends the 5th grade. Appellant's daughter receives bus transportation to and from school. In September 1997 she was assigned to a bus stop at the intersection of Old Coach Road and Woodland Drive. The bus stop is about 800 feet south of Appellant's property, on the opposite side of Old Coach Road. The bus that Appellant's daughter rides passes Appellant's home to and from school.

Old Coach Road is a two-lane country road with no sidewalks. It has a 25-mile-per-hour speed limit. It is undisputed that the section of Old Coach Road at issue is narrow and winding with minimal street lighting. Appellant's residence is at the top of a hill. From that point, Old Coach Road curves and descends to the south as it approaches Woodland Drive. Certain portions of Old Coach Road do not have any shoulder to speak of, while the shoulders on other parts of the road are narrow and

¹ The Commissioner of Education designated the undersigned hearing officer to hear and decide this appeal. The matter was heard on December 1, 1997, and the hearing officer inspected the site at issue on that date.

graded sharply.

Appellant testified at the hearing that there is substantial traffic on Old Coach Road at the times her daughter boards and departs the bus.² Appellant stated that there are blind spots in the road, and that there will be no place to walk except in the road itself after snow has been plowed. Appellant also testified that her daughter is the only child in the neighborhood who has to walk on Old Coach Road to get to her bus stop.

Witnesses for the School Committee testified that Old Coach Road is characteristic of the vast majority of roads in the district, and that the location of the bus stop at issue does not pose a significantly greater risk to Appellant's daughter than to any other similarly situated 10-year-old student who walks to and from a bus stop in the district.

Positions of the Parties

Appellant contends that, given existing road and traffic conditions, it is too dangerous for a 10-year-old child to walk the stretch of Old Coach Road from her home to Woodland Drive. Appellant requests that her daughter receive bus transportation to and from her home.

The School Committee contends that the district's legal obligation to provide "suitable" transportation must be measured in the context of the nature of the community in which the case arises, i.e., a predominantly rural area that features two-lane,

2 According to Appellant, this traffic includes large trucks traveling to a nearby landfill.

winding, country roads usually without sidewalks or wide shoulder areas. The Committee argues that the assigned bus stop location is reasonable given its close proximity to the home, the age of Appellant's daughter, and the comparability of the risk to that of other similarly situated 10-year-old students in the district.

Discussion

R.I.G.L. 16-21-1 requires school committees to provide "suitable transportation" to those students for whom it would be "impractical" to go back and forth to school on their own. As stated by the Rhode Island Supreme Court, the purpose of R.I.G.L. 16-21-1 is to "encourage school attendance and to protect the health, safety, and welfare of the pupil."³ School committees cannot avoid their statutory duty by failing to allocate sufficient funds for student transportation or by relying on the voluntary efforts of parents. In determining whether it is practical for a student to walk to and from an assigned bus stop, we examine the distance to be walked and the existence of any road or traffic hazards in light of the student's age.⁴

We are unable to find any legal authority to support the proposition that the term "suitable transportation" varies from child to child depending upon the rural or urban nature of the town of residence. Furthermore, we are not inclined to adopt an

3 Chaves v. School Committee of Middletown, 211 A.2d 639, 641 (1965).

4, Brown v. Elston, 445 A.2d 279 (1982)

approach that differentiates between rural and urban settings in determining whether it is impractical for a child to walk a particular route. In fact, in finding a transportation arrangement to be unsuitable in a case involving an Exeter resident, we prefaced our holding by stating that "we realize that the Exeter-West Greenwich Regional School District serves a large rural section of this state and . . . we are sympathetic to the problem which this case poses for the School Committee . . ." ⁵ Thus, while we remain aware of the particular problems that rural school districts face in providing transportation to students, we decline to view rural and urban students differently in determining whether their health, safety and welfare are being protected.

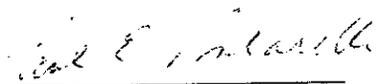
Given the purpose of the statute, we must look at the distance to be walked and the hazards of the route in terms of the age and maturity level of the child involved. While Appellant concedes that the distance of the walk is not a problem, we agree that the route is hazardous and therefore impractical for her daughter to walk. In finding the assigned bus stop location to be impractical, we rely on the narrow width of Old Coach Road, the turns and dips in the road, the minimal or nonexistent shoulders, the further narrowing of the shoulder areas due to plowed snow, and the fact that the bus that Appellant's daughter boards or departs at Woodland Drive passes

5 Mr. and Mrs. Thomas E. Sawicky vs. Exeter-West Greenwich Regional School District Committee, May 4, 1987, p. 4; affirmed by the Board of Regents, November 17, 1987.

Appellant's house. We wish to emphasize our particular concern with the ability of Appellant's daughter to safely cross Old Coach Road in light of the limited visibility on the road due to the curves and dips that are present in the area in question.

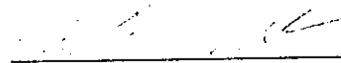
Conclusion

The appeal is sustained. The School Committee is hereby directed to relocate the bus stop for Appellant's daughter to the driveway of Appellant's residence.



Paul E. Pontarelli
Hearing Officer

Approved:



Peter McWalters
Commissioner of Education

Date: JANUARY 30, 1998