

LAURA T.

VS.

CHARIHO REGIONAL SCHOOL COMMITTEE

DECISION

Held: Bus stop must be provided for Appellant's children at their home. It is impractical for Appellant's small children to walk along the particular roadway to and from the assigned bus stop.

Date: MARCH 3, 1998

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 children.

The Commissioner of Education designated the undersigned hearing officer to hear and decide this appeal. The matter was initially heard on January 30, 1998 and the hearing officer inspected the site at issue on that date. The hearing concluded on February 6, 1998.

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

Background

Appellant and her three sons reside on Tomaquag Road in Hopkinton. Two of Appellant's sons are school age. One, age 8, is a 3rd grade student at Ashaway School and the other, age 5, is a kindergarten student at the same school.

Both receive bus transportation to and from school.

Since the older boy has attended school a bus stop was established at the end of his driveway. This was also the designated bus stop for another elementary school child residing at Tomaquag Road, a distance of approximately .2 mile (1056 feet) from the bus stop. This child's mother requested Chariho administrators to establish a bus stop for her son at his home in the 1996-97 school year. This request was denied and no appeal was pursued. The appellant testified that the child's mother drove the child to her home in the morning to get the bus and that the bus driver would drop the child at his home after school although the stop was not officially designated.

The 1997-98 school year began with the bus stop still designated at the appellant's driveway. During the intervening period another school age child, moved into a home at Tomaquag Road, halfway between the other two homes.

By memo dated October 24, 1997, the parents of all these children were informed that the bus stop would be changed from the appellant's at Tomaquag Road to the home at Tomaquag Road. The reason stated was "to make the stops as fair as possible to all involved". The memo further stated:

"The stop at Tomaquag Road is one-tenth of a mile from each of the other addresses, thereby making walking distances more equitable for all students, and well within the district walking policy for all students affected by this change."

This decision was jointly made by Brian P. Stanley, Assistant Director of Finance and Administration in the school district with responsibility for school bus transportation and Lillian Hisey, Terminal Manager, Laidlaw Transit, the district's school bus contractor.

Both reiterated that considering the requests and concerns of all the parents they made the decision to move the bus stop to the middle of the three homes to be most appropriate and equitable so that the appellant's children would walk .1 mile, and the child at Tomaquag Road child would walk .1 mile rather than that child walking .2 mile.

Mr. Stanley described the road as typical of roads in this rural school district - winding, narrow, no sidewalks, minimal street lighting, with not particularly heavy travel. He described the particular road as two travel lanes not split by a painted stripe. It has a minimal shoulder with some room for a child to move outside the paved area. Both Mr. Stanley and Ms. Hisey testified this road is typical of many roads in the school district. They contend the T. children's walk is no more dangerous than that required of other children.

The appellant presented a letter from and the testimony of John S. Scuncio, Chief of Police, Town of Hopkinton. Chief Scuncio, is a retired member of the Rhode Island State Police whose assignments included the Chariho area. He also is a current resident of the Town of Hopkinton and has resided in the Chariho area most of his life. He has been police chief in Hopkinton for one year.

Chief Scuncio has offered his opinion with respect to requiring the T. children to walk to the bus stop from their home, "it would be extremely dangerous for small children to walk along this roadway". He supports this conclusion with the observation that the road width is only approximately 14 feet wide, while standard vehicle width is seven feet, there is little shoulder area and the area is one in which there have been numerous complaints of excessive speeding by vehicles.

Chief Scuncio acknowledged that it is not uncommon in the school district to have this type of road and that the vast majority of roads are one and one-half and two lane roads without sidewalks.

Positions of the Parties

Appellant simply contends that it is dangerous and unsafe for her children to walk along Tomaquag Road.

The School Committee contends that it is the district's legal obligation to provide "suitable" transportation not door-to-door service for each child in the district. While it is sympathetic to Mrs. T. 's concerns, it has to balance many factors and the School Committee affirmed the decision of administrators only after a site visit by its members. Here the most equitable stop for all concerned was selected. The School Committee emphasizes that such road conditions are present in many locations throughout the district where it has not provided a bus stop at the home for children.

Decision

After examining the legal decisions on this issue the Commissioner has recently ruled in a similar appeal involving this school district. Linda M. Aldrich v. Chariho Regional School Committee (January 30, 1998). The Commissioner first observed that 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. Relying upon Brown v. Elston, 445 A.2d 279 (1982), the Commissioner expressed the following standard to govern such appeals:

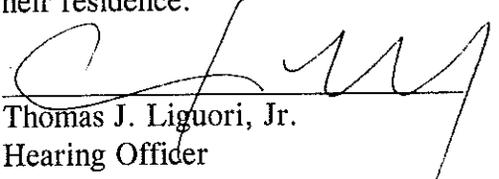
"In determining whether it is practical for a student to walk to and from an assigned bus stop, we examine the distance to be walked and the existence of any road or traffic hazards in light of the student's age."

The adopted Transportation Policy of the Chariho Regional School District is consistent with this standard. It sets forth the general maximum distance students at various ages will be required to walk to a bus stop but also states, "Bus stops may be located at more frequent intervals... for reasons of safety."

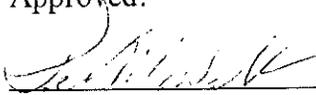
As noted by the Commissioner in Brown v. Elston, (June 9, 1980, affirmed 445 A.2d 279, RI, 1982) each of these matters "inherently requires individualized adjudications as to impracticality" and "the specific facts surrounding the transportation needs of [particular] children".

On the specific facts of this case including the present ages of the T. children, ages 5 and 8, we find that it is impractical to require them to walk along Tomaquag Road to a bus stop. In doing so we rely upon the narrow width of the road and minimal or non-existent shoulder. In particular, we accept the testimony of Police Chief John Scuncio that "it would be extremely dangerous for small children to walk along this roadway." (emphasis supplied)

The appeal is sustained. The School Committee is hereby directed to provide a bus stop for the T. children at the driveway of their residence.


Thomas J. Liguori, Jr.
Hearing Officer

Approved:


Peter McWalters
Commissioner of Education

Date: MARCH 3, 1998