

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

FOREST HILLS HOMEOWNERS

V.

EXETER-WEST GREENWICH REGIONAL
SCHOOL COMMITTEE

Decision

Held: Morning transportation for Appellants' children is unsuitable. Special visitor is appointed to determine feasibility of reducing time of bus ride without increasing number of school buses used by school district.

Date: January 22, 2004

Introduction

This is an appeal by a group of Exeter homeowners regarding the morning bus transportation provided to their children for the 2003-2004 school year.¹

Background

The Forest Hills housing development is located in Exeter. This year, 12 children that reside on Ridge Drive in Forest Hills attend Wawalom Elementary School or Metcalf Middle School. As in the past, they receive bus transportation to their respective schools.

The entrance to Forest Hills, on the northern side of Route 102, is about one mile driving distance from Wawalom, located to the west. From Wawalom, it is approximately two more miles driving distance to Metcalf, located to the northwest.

Three years ago, Forest Hills was moved to a different bus route. The main portion of Forest Hills' new bus route is south of Route 102, extending about four miles south to the Exeter-South Kingstown boundary. Until this year, the bus traveled the route in such a way that the Forest Hills children were the last to be picked up in the morning and the first to be dropped off in the afternoon. This route of travel required significant backtracking by the bus.

Realizing the inefficiency of the bus route, a new administrative/transportation team changed the route for the 2003-2004 school year. Now, the Forest Hills children are among the first to be picked up in the morning, at approximately 7:50 a.m. This is 35 minutes earlier than last year.² From Wawalom, the bus drives directly to Metcalf Middle School. The bus route is reversed in the afternoon, with little change in last year's dropoff time for the Forest Hills children.

The school district reports that Appellants' children ride the bus 47 minutes to Wawalom and 56 minutes to Metcalf.

The Rolling Hills housing development is located on the southern side of Route 102, its entrance slightly to the east of Forest Hills' entrance. Children residing in

¹ The Commissioner of Education designated the undersigned hearing officer to hear and decide this matter. A hearing was conducted on November 24, 2003.

² School starts at 9:00 a.m. at Wawalom.

Rolling Hills ride in buses that take direct routes to and from the Wawalom and Metcalf schools. Rolling Hills' children are picked up in the morning at approximately 8:30 a.m.

Positions of the Parties

Appellants contend that the length of their children's morning bus ride is unfair, unreasonable and potentially harmful. They base their claim primarily on the fact that the additional 35 minutes on the bus is spent traveling to and from the South Kingstown line, which is due south of Forest Hills and the schools in question.

The Regional School Committee contends that the time Appellants' children spend on the bus is consistent with average riding times in the district. It further claims that the current morning route is appropriate given the competing student equities and the limited resources that confront the district.

Discussion

Under Rhode Island General Law 16-21-1, school committees must provide "suitable transportation" to students who would find it impractical to walk to and from school. There is no dispute that the children residing in Forest Hills need bus transportation to and from school. The issue in this case concerns the suitability of the transportation that has been assigned for the 2003-2004 school year. For the reasons stated below, we agree with Appellants that the morning bus route currently in effect is not suitable transportation.

As a general proposition, we believe that it is reasonable for parents to expect that the closer they live to their children's public school, the less amount of time their children will spend on the bus riding to and from the school. Parents surely rely on this expectation when buying or building a home and, barring extraordinary circumstances, school districts must honor this expectation. This expectation does not prevent school districts from changing school locations or altering attendance areas, but it does set the outside parameters in determining school bus routes.

In this case, Appellants' children travel a substantial distance away from their schools in the morning. The parties agree that this route of travel improves the efficiency

of the established bus route. Appellants, however, challenge the wisdom of the established route. Due to recent changes in the district's administration and transportation provider, it appears that Appellants have a deeper understanding of the history of bus service to Forest Hills. They contend that the obvious inefficiency of the route was intended when the Forest Hills bus service was changed three years ago. The inefficient route of travel was chosen to compensate for the fact that the Forest Hills development was not a natural addition to the pre-existing circular bus route to the south. The only way that Forest Hills could sensibly be added to the route was to have the bus do some backtracking so that Appellants' children, who lived closest to the schools, were picked up last and dropped off first. Once the backtracking was eliminated, however, the practical difficulties of adding Forest Hills to this route reappeared. As a result, for efficiency's sake, Forest Hills' Wawalom students must board the bus at 7:50 a.m. in order to be at a school one mile away for 9:00 a.m.

We agree with Appellants that the bus route under review is fundamentally flawed. While the school district's quest for efficiency is to be commended, it appears that the compromise of three years ago was overlooked. Now, Appellants' children must travel approximately 10 miles to the south of Forest Hills before their bus returns to the westerly path that connects Forest Hills to Wawalom Elementary School.

The central fact remains that Forest Hills is a distance of one mile from Wawalom. The Rolling Hills development, on the southern side of Route 102, is only slightly farther. Yet, rather than the 8:30 a.m. pickup time that Rolling Hills' children have, Forest Hills' children are picked up at 7:50 a.m. They then ride the bus 47 minutes to reach a school one mile from their homes. This is neither fair nor reasonable treatment of Appellants' children. It necessarily follows that their morning transportation is not suitable.

We recognize, however, the difficulty of altering bus transportation routes in the middle of the school year. It is our hope that the existing district transportation system can be modified to resolve the issue at hand without increasing the number of school buses used by the district. To that end, we shall appoint a special visitor to make findings and recommendations in this case.

Conclusion

The morning bus transportation for Appellants' children is unsuitable. We hereby appoint Mr. Mark Therrien as special visitor in this case for the purpose of reviewing the district's existing transportation system and making findings and recommendations to the Commissioner with regard to the feasibility of reducing the time of Appellants' children's morning bus ride without increasing the number of school buses used by the district.³ The Exeter-West Greenwich Regional School Committee shall provide necessary data requested by Mr. Therrien. Upon the submission and review of Mr. Therrien's report, we shall order a remedy in this matter.⁴

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

Date: January 22, 2004

³ Mr. Therrien is the assistant general manager of transit development, planning and grants at the Rhode Island Public Transit Authority.

⁴ The parties shall receive and have an opportunity to comment on the special visitor's report.