

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

THERESA D.

V.

NORTH PROVIDENCE SCHOOL COMMITTEE

Decision

Held: School Committee's decision to deny afternoon bus transportation to daycare facility is supported by valid reasons.

Date: February 24, 2004

Introduction

This matter concerns an appeal from a decision of the North Providence School Committee denying Appellant's request that her daughter receive afternoon bus service to her daycare provider.¹

For the reasons stated below, we deny the appeal.

Background

Appellant resides in North Providence. Her 5-year-old daughter attends full-day kindergarten at a nonpublic regional school in Providence. The child receives after-school daycare at a licensed facility in North Providence. Her younger brother is cared for at the same facility for the entire day.

North Providence provides bus transportation for Appellant's daughter between Appellant's home and the nonpublic school. It does so with a full-size school bus.² The route for this bus, which in the afternoon originates at the nonpublic school, travels past the street on which the daycare facility is located.

A smaller bus drops a student off at the daycare facility in the afternoon.³ This bus originates at North Providence High School and picks up additional students at James L. McGuire School.

If the bus carrying Appellant's daughter were to turn onto the street of the daycare facility and stop at that facility, it would subsequently have to descend a steep hill and make a sharp turn to the left in order to return to the present route of travel. Letters from the district's bus contractor and the North Providence Police Department raise safety concerns about a full-size school bus traveling to the daycare facility.

The School Department offered to drop off Appellant's daughter at the intersection of the daycare facility's street and the established bus route. District policy requires an escort for kindergarten children, however, and no one is available to accompany Appellant's daughter to the daycare facility.

¹ The Commissioner of Education designated the undersigned hearing officer to hear and decide the appeal. A hearing was held on October 14, 2003. Additional evidence was subsequently entered into the record.

² The bus has seating for 71 students.

³ The bus, which transports special-education students, has seating for 35 students.

The School Department provides bus service to and from the Tri-Town Child Care Center pursuant to a program funded by a federal grant. The North Providence Boys and Girls Club is the site of a pre-existing bus stop.

Positions of the Parties

Appellant contends that her request would not impose any additional financial cost on the school district. She asserts that other school districts accommodate daycare arrangements and that North Providence is doing the same at Tri-Town and the Boys and Girls Club. Appellant also relies on the Commissioner's decisions in Carr v. North Kingstown School Committee.⁴

The School Committee contends that it has met its statutory obligations with regard to school transportation for Appellant's child. Transportation is being provided between Appellant's home and her daughter's school. Appellant's request for transportation to the daycare facility was investigated but found to be unfeasible.

Discussion

As required by Rhode Island General Law 16-21.1-2, the School Committee is providing bus transportation to Appellant's daughter between the child's North Providence home and her regional nonpublic school in Providence. Under R.I.G.L. 45-49-4, school districts "may elect to provide transportation to any child attending grades kindergarten through grade eight (8), between the school the child attends and a before or after school licensed child care location."⁵ In the initial Carr decision, we remanded the case to the school committee to allow it to explain the reason for its decision to deny transportation to and from the child's grandmother's house. The house was located on the appropriate bus route and passing buses were not filled to capacity. On remand, the school committee did not show that stopping a bus at the grandmother's house would result in any additional cost or inconvenience. We therefore ordered the school committee to provide the requested transportation, specifically noting that there was space available on buses to the child's school that already were routed down the street of the daycare provider.

⁴ Decided December 9, 1991 and March 23, 1992.

⁵ R.I.G.L. 45-49-1 states that one of the purposes of the statute is to "encourage the development of partnerships among parents, school systems, municipal governments and child care providers to serve the interests of school aged children in need of before and after school care."

In this case, no afternoon bus from Appellant's daughter's school travels on the street of the daycare facility. The record in this matter and a viewing by the hearing officer support the School Committee's unwillingness to reroute the child's 71-student capacity bus to the daycare facility. The alternative route requested by Appellant presents safety risks for a full-size bus that do not exist on the previously-established bus route. The smaller bus that travels on the daycare facility's street transports special-education students and does not pass the school attended by Appellant's daughter. Bus service at the Tri-Town Child Care Center is by special arrangement under a federally-funded program, and the Boys and Girls Club moved to a site where a bus stop already existed.

In sum, this case is different than Carr v. North Kingstown. The School Committee is not being asked to merely add a stop to a pre-existing route. Appellant's request requires a minor, but significant from a safety standpoint, rerouting of her daughter's bus. While a school district may have to assume additional safety risks in providing the statutorily-required bus transportation to the homes of other students, it does not have a statutory obligation to transport Appellant's daughter to her daycare facility. It therefore is not required to travel the riskier route. We recognize that R.I.G.L. 45-49-1 encourages school districts to provide bus service to child care locations. The School Committee considered Appellant's request and found logistical and safety problems with it. Those problems are supported by the evidence. Accordingly, we must deny the appeal.

Conclusion

The decision of the North Providence School Committee to deny Appellant's request for afternoon bus service to her daycare provider is supported by valid reasons.

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

February 24, 2004
Date