

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

FOREST HILLS HOMEOWNERS

V.

**EXETER-WEST GREENWICH REGIONAL
SCHOOL COMMITTEE**

Decision on Remedy/Interim Order

On January 22, 2004 we issued a decision in this matter finding that the morning transportation provided to Appellants' children is unsuitable. We also appointed a special visitor in this case to determine the feasibility of reducing the time of Appellants' children's morning bus ride without increasing the number of school buses used by the district.

The special visitor was unable to find an existing bus route that could be modified to reduce the morning ride time for Appellants' children. Using the information in the record of this case, the special visitor developed an alternative transportation plan for the Wawaloam and Metcalf schools that substantially reduced the morning bus ride for Appellant's children. Due to the extensive changes in many of the current bus routes, the special visitor concluded that it was not feasible to implement the new transportation plan during the school year.

Having reviewed the special visitor's report, Appellants request that the school district be ordered to reinstate last year's morning bus route for the remainder of the school year while a new system of routes similar to that recommended by the special visitor is developed for future implementation. In the alternative, Appellants ask that the district be ordered to provide an additional bus for Forest Hills for the remainder of the

year. The Regional School Committee argues that a return to last year's morning bus route will unfairly lengthen the ride for more than three times the number of children that ride the bus from Forest Hills. Noting that many rural school districts have to contend with bus rides that "loop," the Committee asserts that the present transportation system "balances the equities by providing a short bus ride one way and a longer bus ride the other way."

We agree with the School Committee that a return to last year's morning bus route at this time would not be fair to the other children on the bus. A return to last year's route would result in changed pick-up times and longer bus rides of varying lengths for many children. This is not an equitable solution to this problem.

In so ruling, we find ourselves confronted by the conclusion that we reached earlier in this case, i.e., that the morning transportation provided to Appellant's children is unsuitable. Given that conclusion, we have no alternative but to order the school district to obtain additional morning transportation for Appellants' children.

We have taken great pains in this case to avoid such an order. However, we must point out that the Forest Hills development is not part of a natural and unavoidable "loop." While the portion of Appellants' bus route that is located to the south of Route 102 comprises such a "loop," the Forest Hills development to the north of Route 102 is a separate and distinct segment of the bus route. As we noted in our earlier decision, the school district created a fundamentally flawed bus route when it added the Forest Hills development to the pre-existing circular bus route to the south. The district chose to bring Forest Hills to the "loop" instead of adding it to a linear bus route. Once attached to the "loop," the Forest Hills children became subject to the "balanced equities" principle. As a result, Appellants' children are now required to board a bus more than an hour before the start of school and ride on that bus for more than 45 minutes in order to reach a school that is located one mile from their neighborhood. This predicament was created by the school district, not the rural landscape. Accordingly, the school district must take the necessary steps to remedy its action.

We hereby issue an interim order directing the Exeter-West Greenwich Regional School Committee to remove the Forest Hills development from its present morning bus

route and to provide transportation to Appellants' children that is reasonable in relation to the distances to the schools they attend.¹

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

Date: April 20, 2004

¹ Because children are entitled to suitable transportation to school under Rhode Island General Law 16-21-1, we find that Appellants qualify for interim protective relief under R.I.G.L. 16-39-3.2.