

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

C. DOE

V.

WOONSOCKET SCHOOL COMMITTEE

Decision

Held: School district need not
provide transportation to student.

Date: May 31, 2005

Introduction

This is an appeal from the denial of bus transportation to a student.¹

Background

Appellant's daughter is 10 years old and attends the Leo A. Savoie School on Mendon Road in Woonsocket.² Appellant's home is slightly less than a mile from the school and therefore does not qualify for bus transportation under district policy. To get to school from her home, the student must cross the street and walk a short distance to Aylsworth Avenue, walk a little more than a half mile on Aylsworth Avenue to Mendon Road, and then walk about one-third of a mile to the Savoie School. The student must cross Mendon Road and walk past the intersection of Cass Avenue and Mendon Road before reaching the Savoie School.

Aylsworth Avenue is a wide street with some sidewalks. Where there are no sidewalks, there are areas off the street in which to walk. Where Aylsworth Avenue meets Mendon Road, there is a large parking lot immediately to the left of the intersection. After the parking lot, there is a short walk along Mendon Road to a crosswalk in front of Good Shepherd Catholic School, located on the opposite side of Mendon Road. Two brightly colored cones with the message "State Law -- Stop for Pedestrians in Crosswalk," are placed on the road in the crosswalk. A sign reading "School -- 20 mph" is located in this area. There is a sidewalk in front of Good Shepherd School that extends to the traffic light at the intersection of Cass Avenue. Cass Avenue approaches Mendon Road from the opposite side of this sidewalk. Cass Avenue does not continue beyond Mendon Road. Cars on Cass Avenue approaching Mendon Road must turn left or right. There is an entrance to the parking lot for St. Joseph's Church in this area. From the traffic light, the sidewalk on Mendon Road continues past a retirement community and to the Savoie School. A "Slow -- School Zone" sign is posted on this part of Mendon Road.

On the day of the viewing of this area, a large amount of snow from the blizzard of January 22nd and 23rd covered the sidewalks and off-street areas on Aylsworth

¹ The Commissioner of Education designated the undersigned hearing officer to hear and decide the appeal. A hearing was held on February 3, 2005. The hearing officer also viewed the walking route from the student's home to the school on that date.

² The student turned 10 shortly after the hearing in this matter.

Avenue. The parking lot on Mendon Road was fully plowed, but snow covered the road's shoulder on the short distance to the crosswalk. The sidewalk on the opposite side of Mendon Road was clear except for a short section in front of St. Joseph's Rectory.

The School Department presented evidence of other students who walk this route to and from the Savoie School.

Positions of the Parties

Appellant contends that the absence of sidewalks on Aylsworth Avenue, the amount of traffic on Mendon Road, and the busy intersection at Cass Avenue make it dangerous for her daughter to walk to and from school. Appellant also voiced a more general concern for her daughter's safety, stating that "anything can happen" while she is walking on public streets.

The School Committee contends that the Savoie School is located in an area that is typical for a city school. It argues that the absence of sidewalks on a portion of the walking route does not endanger students. It maintains that the crosswalk in front of Good Shepherd School allows students to safely cross Mendon Road and walk past the Cass Street intersection.

Discussion

Under Rhode Island General Law 16-21-1, a student must be provided with transportation if it is impractical for the student to walk to and from school. Having considered the student's age, the distance to be walked, and the road and traffic conditions in this case, we do not find that it is impractical for Appellant's daughter to walk to and from school.

The district's general policy of providing transportation to students who live at least one mile from school is not unreasonable. It is agreed that Appellant's home is just shy of a mile from the Savoie School. Appellant's daughter recently turned 10. Two-thirds of her walking route to school occurs before Mendon Road. The streets involved

are wide and not heavily traveled. Much of Aylsworth Avenue has sidewalks. There is walking area off the street in most of the sections that do not have sidewalks.³

Without question, Mendon Road is a busy road. However, given the availability of the parking lot adjacent to Aylsworth Avenue and the close proximity of the crosswalk in front of Good Shepherd School, we find that there is a safe route for a 10-year-old to reach the sidewalk on the opposite side of Mendon Road. The low speed limit, the signs and the crosswalk cones help in this regard. Once on the sidewalk on the opposite side of Mendon Road, there is adequate room to walk and the Cass Avenue intersection is manageable.

Although we view this case differently than Appellant, we do not make light of her concerns. In that regard, we urge her to ask the School Department to assist her in contacting the parents of other children who are walking this route to explore the possibilities of Appellant's daughter walking with another child.

Conclusion

It is not impractical for Appellant's daughter to walk to school. The appeal is therefore denied.

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

Date: May 31, 2005

³ As previously noted, the record-setting snow from the January blizzard covered these areas and sidewalks. Given the width of the street, however, there was room to walk safely by the side of the road.