

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

S. DOE

V.

WOONSOCKET SCHOOL COMMITTEE

Interim Order and Decision

Held: Student must be provided with transportation to and from school for the 2005-06 school year.

September 23, 2005

Introduction

This is a request for an interim order following the Woonsocket School Committee's denial of Appellant's request for transportation to and from school for her foster child.¹

Background

Student Doe is enrolled in the second grade. She turns 7 years old on this date. She attended school in Providence last year, where she received bus transportation. Approximately three months ago, Doe came to live with Appellant in Woonsocket by way of a foster placement. Appellant was pregnant at the time. She gave birth four weeks ago. She has a two-year-old child as well.

Doe is small for her age. She has not ventured far from her foster home, which is located on a main street. Her immediate neighborhood is a mix of residential and commercial properties. The bus company that provides transportation services to the Woonsocket school system is located next door to Appellant's home. Doe does not know any children who walk to her school and she is not familiar with the neighborhood at this time. There are numerous students in the neighborhood who do not receive transportation to school.

Appellant lives approximately .8 of a mile from Doe's school. Under the district's transportation policy, elementary-school students who live within one mile of school do not receive transportation absent extraordinary circumstances. Doe's route to and from school is somewhat circuitous, and it requires the crossing of a main street.

Positions of the Parties

Appellant contends that student Doe is not ready to walk to and from school because of her young age, slight physical stature, and lack of familiarity with her neighborhood. She argues that the walk is too long, too difficult and too hazardous for Doe. Appellant raises specific concerns with the conditions of the walk during winter.

¹ The Commissioner of Education designated the undersigned hearing officer to hear and decide Appellant's request. A hearing was held in Woonsocket on September 16, 2005. The hearing officer also viewed the area in question on that date.

The School Committee contends that the walking route in question is appropriate for a 7-year-old child. It also asserts that Appellant needs to explore existing opportunities for Doe to walk to school with other children.

Discussion

Under Rhode Island law, a school committee must provide “suitable transportation” to a student if it is “impractical” for the student to walk to and from school. Under ordinary circumstances, it would not be impractical for a 7-year-old student to walk to and from school from Appellant’s residence. We find that we are not dealing with ordinary circumstances in this particular case, however.

Student Doe just turned 7 on this date. She is one of the youngest students in the second grade. She also recently arrived in her Woonsocket neighborhood, at a time when Appellant, a foster parent, was in the latter stages of pregnancy. Appellant now has an infant, as well as a two-year-old. Her condition and responsibilities have severely limited her ability to familiarize Doe to the neighborhood and her walking route to school. There are no other family members who are able to help Doe in this regard. In addition, Appellant’s residence is in the midst of several commercial properties. This circumstance has further restricted Appellant’s ability to find a walking companion for Doe. The evidence in this case shows that Doe would be on her own if she were to walk to school.

In light of the unique circumstances of this case, we find that it would be impractical for Doe to walk to school at the present time. It is likely that this situation will change over time as Doe becomes familiar with her neighborhood and makes friends. At this moment, however, she is lacking the background and preparation that ordinarily is in place before a young child sets off on foot to school. Accordingly, we shall order that Doe be provided with transportation for the 2005-06 school year. This order may be reviewed, upon request, at the end of the first semester of the school year.

Conclusion

It is not practical for student Doe to walk to and from school at this particular time. We hereby enter an interim order directing the Woonsocket School Committee to provide Doe with suitable transportation for the 2005-06 school year.

Paul E. Pontarelli
Hearing Officer

Approved:

Peter McWalters
Commissioner of Education

September 23, 2005