

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

-----  
J. DOE

V.

SMITHFIELD SCHOOL COMMITTEE  
-----

**Decision**

Held: Request for bus transportation for middle school student is denied because it is not impractical for the student to walk to and from school.

Date: November 21, 2005

## **Introduction**

This is an appeal of the Smithfield School Committee's decision to deny bus transportation to a middle-school student.<sup>1</sup>

## **Background**

Appellant's daughter attends the sixth grade at the Vincent J. Gallagher Middle School in Smithfield. She will observe her 11th birthday later this month. Appellant's home is located approximately 1.1 miles to the south of the Middle School. It is situated within a district-designated "walk zone" and therefore does not qualify for transportation services.<sup>2</sup>

Appellant's home and the Middle School are located on streets that connect with opposite sides of Pleasant View Avenue (Route 116). Appellant's home is to the east of Pleasant View Avenue, and the Middle School is to the west. There are sidewalks on both sides of Pleasant View Avenue. Driveways and connecting streets interrupt the sidewalks between the home and the school. In addition, two busy intersections and numerous businesses are located on the eastern side of Pleasant View Avenue. The western side of Pleasant View Avenue has about 20 driveways, five connecting streets, the entrance/exit to Smithfield High School, and two entrances/exits to Anna M. McCabe Elementary School. The sidewalk on the western side of Pleasant View Avenue continues onto the Middle School's connecting street and extends to the entrance of the school.<sup>3</sup>

The speed limit for Pleasant View Avenue is 35 miles per hour. At the southernmost busy intersection on the eastern side of Pleasant View Avenue, about halfway between Appellant's home and the school, there is a flashing "20-miles-per hour school speed limit" sign. Another flashing "20-miles-per-hour school speed limit" sign is

---

<sup>1</sup> The Commissioner of Education designated the undersigned hearing officer to hear and decide the appeal. A hearing was held on October 12, 2005. The hearing officer viewed the area in question on two subsequent dates.

<sup>2</sup> According to school district policy, walking distances to elementary and secondary schools are one mile and two miles, respectively.

<sup>3</sup> This street is one-way and serves as the exit for school traffic. A crossing guard is stationed at this intersection. The vehicular entrance to the school is further north.

located on the western side of Pleasant View Avenue north of the school. There also are pedestrian warning signs posted near the High School and the McCabe School.

Visibility at the intersection of Appellant's street and Pleasant View Avenue is clear for several hundred feet in either direction. Visibility at each of the driveways, connecting streets and school entrances/exits on the western side of Pleasant View Avenue is unobstructed. Each of the connecting streets, as well as the entrance/exit to the High School, has a stop sign and crosswalk.<sup>4</sup>

A sergeant with the Smithfield Police Department reviewed the school district's "walk zones" and found them to be "reasonably safe." The sergeant's report further states that

These areas for McCabe and the Middle School are safe because Pleasant View Avenue is a heavily traveled road where speeding vehicles are not a factor during opening and closing of schools, it is a straight-away lined with sidewalks on both sides of the road, there is clear visibility, there are crossing guards with properly marked crosswalks, flashing 'school zone signs,' and police patrols assigned to 'school zones' on a regular basis. [School Committee Exhibit 1].

The superintendent testified that 113 students reside within Appellant's "walk zone." He further testified that the school district is presently making arrangements to provide "walk zone" students with bus transportation to and from school when snow makes sidewalks impassable.

### **Positions of the Parties**

Appellant contends that it is not safe for her daughter to walk to and from school because of her young age, the distance involved, the amount and speed of the traffic, and the number of intersections on the route. Appellant specifically cites the high volume of traffic at the High School entrance/exit, the dangers presented by inclement weather, and an incident last year in which "a perpetrator tried to pick up a child off the street." [Transcript, p. 34]. Appellant also testified that she has observed buses with empty seats

---

<sup>4</sup> The school day at the High School begins at 7:15 a.m. and ends at 1:30 p.m. The Middle School day begins at 7:45 a.m. and ends at 2:00 p.m.

headed toward the Middle School drive by her street. Appellant asks that transportation be provided to and from the intersection of her street and Pleasant View Avenue.

The School Committee contends that the sidewalks from Appellant's street to the Middle School make for a safe walk to and from school. When snow makes the sidewalks impassable, transportation will be provided. If space on a passing bus exists, it cannot be given to Appellant's daughter in light of the other 112 students in the "walk zone." Finally, while students reported an improper advance last year, the incident did not occur on the route in question and it involved two students walking to a bus stop, not to school.

## **Discussion**

The hearing officer viewed the walking route at issue on two occasions.<sup>5</sup> There was a steady flow of traffic on both dates, with most cars traveling in excess of the 20 mile-per-hour limit in the flashing-sign area. The two busy intersections and the businesses located near the Middle School posed safety concerns with regard to walking on the eastern side of Pleasant View Avenue. The western side of Pleasant View Avenue presented a different picture, however.

As previously noted, visibility at the intersection of Appellant's street and Pleasant View Avenue is clear for several hundred feet in either direction. There were regular 5-to-10-second intervals in the traffic during the morning and afternoon commuting times, providing adequate time to cross the street. There were no obstructed views encountered while crossing side streets and passing driveways on the western side of Pleasant View Avenue. Observation of the High School entrance/exit for several minutes in the morning revealed a full parking lot and one car entering the drive. No traffic was observed in the afternoon. The morning observation of the McCabe School revealed three empty buses idling by the curb on Pleasant View and two cars entering the northern parking area. Again, no traffic was observed in the afternoon. No difficulties were experienced entering or leaving the Middle School grounds by way of the one-way connecting street. Travel between the Middle School and Pleasant View Avenue was

---

<sup>5</sup> The hearing officer visited the area and walked the route in question from 2:00 to 2:45 p.m. on November 4th, and from 7:15 to 8:00 a.m. on November 9th.

aided greatly by the sidewalk that runs continuously from the school door used by students to Pleasant View Avenue.

The observations of the hearing officer support the conclusions in the police sergeant's report. The continuous sidewalk, clear visibility and low volume of traffic in the intersections make the western side of Pleasant View Avenue a safe walking route for Appellant's daughter. Applying the statutory language, it is not "impractical" for this sixth-grader to walk to and from school. We urge the Police Department to step up its "school zone" patrols to ensure greater compliance with the 20-mile-per-hour speed limit, and we make our decision in this case dependent upon the school district's successful implementation of its plan to provide "walk zone" students with transportation on days in which sidewalks are impassable due to snow.

### **Conclusion**

The sidewalk on the western side of Pleasant View Avenue provides Appellant's daughter with a safe walking route to and from school, provided that bus transportation is offered when the sidewalk is impassable due to snow. The appeal is therefore denied.

---

Paul E. Pontarelli  
Hearing Officer

Approved:

---

Peter McWalters  
Commissioner of Education

Date: November 21, 2005