

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF  
EDUCATION

.....

**In the Matter of Tom Shields**  
**v.**  
**South Kingstown School Committee**  
.....

**DECISION**

**Held:** This is an appeal of the South Kingstown school committee’s denial of the petitioner’s request for a reduction in the length of the school bus travel time needed to get his children to the Kingston Hill Academy, a charter school. Before the commissioner can make any decision that might require South Kingstown school committee to expend any funds in this matter, the Kingston Hill Academy must be joined as a party to this case. A further hearing in this matter will be scheduled, to decide who may be responsible for paying for the cost of the transportation that is being requested.

DATE: November 21, 2005

## **Jurisdiction and Travel of the Case**

Jurisdiction is present in this case under R.I.G.L. 16-39-1, R.I.G.L. 16-39-2, and R.I.G.L.16-77-6. This case is on appeal to the Commissioner of Education from a decision of the South Kingstown school committee to deny the petitioner's request for a reduction in the length of the school bus travel time needed to get his children to school at the Kingston Hill Academy in South Kingstown.

## **Position of the Parties**

### **The Parent**

The parent's position is that an hour and a half bus ride is not "suitable" transportation when the distance between the school attended and the students' bus stop is only a few miles.

### **The School Committee**

The school committee argues that it has done its best to reduce the travel time involved and that any further reduction in travel time would require negotiation between the South Kingstown school committee and the Kingston Hill Academy to obtain funding from the Academy for the additional transportation services that are required. (See: R.I.G.L.16-77-6) The school committee therefore contends that the Kingston Hill Academy must be added as a party to this dispute before the commissioner makes any decision that might require South Kingstown school committee to expend any funds in this matter.

## **Findings of Fact**

The Kingston Hill Academy is not presently a party in this matter.

## **Conclusions of Law**

In pertinent part Rhode Islands Charter School Law states:

**16-77-6 Budgets and funding.** – \*\*\* (d) All services centrally or otherwise provided by the school district in which the charter public school is located which the charter public school decides to utilize including, but not limited to, *transportation*, food services, custodial services, maintenance, curriculum, media services, libraries, nursing, and warehousing, shall be subject to negotiation between a charter public school and the local school district *and paid for out of the revenues of the charter school. Disputes with regard to cost of services requested from*

*local districts will be adjudicated by the commissioner of elementary and secondary education (Emphasis added).*

**Discussion**

It seems clear to us that the South Kingstown school committee has raised the issue of the applicability of R.I.G.L. 16-77-6 to this matter with sufficient force to make it necessary to join the Kingstown Hill Academy as a party to this case. We do not decide now whether or not Kingstown Hill Academy is responsible for paying for the cost of the transportation that is being requested. We have done no more than to conclude that this is a question that must be addressed in this matter.

**Conclusion**

We will direct notice to Kingstown Hill Academy so that they may be joined as a party to this case. A further hearing in this matter will be promptly scheduled.

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Forrest L. Avila, Hearing Officer

APPROVED:

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Peter McWalters, Commissioner

\_\_\_\_\_  
November 21, 2005  
Date