

STATE OF RHODE ISLAND
PROVIDENCE PLANTATIONS

COMMISSIONER
AND OF
OF EDUCATION

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Student L.

v.

A Rhode Island School Committee

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DECISION

Held: A shortened bus ride is ordered for health reasons.

DATE: November 19, 2008

Travel of the case and Jurisdiction

This is a transportation case. The issue presented is whether this special education student's bus ride is too long. Jurisdiction is present under R.I.G.L.16-39-1 and R.I.G.L.16-39-2.

Position of the Parent

The parent contends that the length of the bus ride for this student endangers the wellbeing of the student.

Position of the school district

The school district contends that the bus ride at issue is not so long as to present difficulties for this student.

Findings of Fact

1. The 7 year old student in this case suffered significant brain damage when she was five months old. Her injuries left her blind and significantly impaired her ability to communicate. She is presently confined to a wheel chair and she has difficulty eating by mouth. "She has a history of seizure disorder, she has urinary catheterization every eight hours, she has a feeding tube which requires her to be feed every two hours, she has a history of aspiration, and if she gets anxious, she tends to set herself into a mood where she vomits profusely and she aspirates."¹
2. This student has recently been assigned to another school.² This reassignment has given her an hour and a fifteen minute school bus ride in the morning. Her parents are picking her up in the afternoon, but it would appear that her bus ride home might well extend to an hour and a half.³

¹ Testimony of mother, Transcript, Page 5. This testimony is supported by a letter from the student's physician. Note: The hearing officer urged that the school district's physician and the child's physician should confer to attempt to establish common ground in this matter. This did not take place. The hearing officer still urges that such a conference should take place.

² She has aged out of her prior placement.

³ Testimony of Special Education Director, Transcript, Page 19.

3. We credit the testimony of the parent that the students extended bus ride enhances her anxiety levels and causes her to vomit more frequently at school, which results in an increased danger of aspiration.
4. This student's life follows a close schedule at home and at school. Her meals at home and at school must be carefully scheduled, as do her catheterizations and sleep periods. We credit the testimony of the parent that the extended bus ride in this case impinges on this student's health maintenance schedule.
5. The parent submits that a very direct run from the student's address to the school the student attends would consume about 25 minutes.⁴ The school department's transportation director testified that the range would be between 45 minutes and one hour. MapQuest, an online direction service, indicates that the distance traveled in this case is about 17.14 miles and that a direct trip should take about 29 minutes.

Conclusions of Law

The General Laws of Rhode Island provide in pertinent part that:

R.I.G.L. 16-21-1 Transportation of public and private school pupils. – (a) The school committee of any town or city shall provide *suitable* transportation to and from school for pupils attending public and private schools of elementary and high school grades, except private schools that are operated for profit, who reside so far from the public or private school which the pupil attends as to make the pupil's regular attendance at school impractical and for any pupil whose regular attendance would otherwise be *impracticable* on account of *physical disability or infirmity*.

The question before us is whether or not a morning bus ride of an hour and fifteen minutes, and an afternoon bus ride of an hour and a half, provides *suitable* transportation to this student, given the nature and extent of her disabilities and the effect that a long bus ride is likely to have on her health.

⁴ Testimony of parent, Transcript, Page 30.

Discussion

We find that the bus ride here is too long. We do not expect the school district to provide a one student bus run for this student so that she could get to school in about 30 minutes. However, we expect that this bus ride can be shortened to something less than an hour each way. Given the impact that a total bus riding day of two hours and forty five minutes has on this student's health, we find that a bus ride of something less than one hour in the morning and in the evening must be provided to this student.

Conclusion

This student's bus ride is to be shortened to about a one hour ride each way.

APPROVED:

Forrest L. Avila, Hearing Officer

Peter McWalters, Commissioner

November 19, 2008
Date