

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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R. Doe

v.

Cranston School Department

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**DECISION**

The Cranston school committee has denied school bus transportation to student R. Doe. The parent contends that the walking route the student would have to use does not provide a safe walk to the school. In sum, we find the walking route under review presents a practical route to school and this route meets the requirements of R.I.G.L.16-21-1, therefore, the appeal must be denied and dismissed.

**DATE: August 30, 2011**

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

The Cranston School Committee has denied school bus transportation to a student who attends the Western Hills Middle School in Cranston. The parent of this student has appealed this decision to the Commissioner of Education. Jurisdiction is present under R.I.G.L. 16-39-1 and R.I.G.L. 16-39-2.

## **Positions of the Parties**

### **The Parent**

The parent contends that the walking route the student would have to use does not provide a safe walk to the Western Hills Middle School.

### **The Cranston School District**

The Cranston school district contends that the walking route at issue is safe.

## **Conclusions of Law**

R.I.G.L. 16-21-1, entitled “Transportation of public and private school pupils”, provides:

- (a) The school committee of any town shall provide suitable transportation to and from school for pupils attending public and private schools of elementary and high school grades, except such private schools as 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.<sup>1</sup>

Under the provisions of the foregoing statute, a student is eligible to receive transportation to a public or private school located in his or her school district if distance—or certain other factors—make it *impractical* for the student to walk to school. Moreover, the Rhode Island Supreme Court has listed three factors to be used in deciding whether it is impractical for a student to walk to school: (a) the age of the child; (b) the distance to be walked; (c) the hazards along the roadway. *Brown v. Elston*, 445 A.2d 279 (R.I. 1982). If these factors, taken separately or together, make it impractical for a student to walk to school, the school committee is required to provide transportation. A school committee may establish a general walking distance rule, but this rule is inapplicable in cases where it would be impractical for a child to walk to school. For example, in most parts of a town it might be entirely possible to have middle school students walk one mile to school. In other parts of the same town, perhaps a heavy commercial or industrial area with numerous streets and intersections to cross, a one-mile walking distance rule might be entirely impractical in application. In such cases a school committee would have to provide transportation in spite of its general walking distance rules.<sup>2</sup>

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<sup>1</sup> There is no federal constitutional right to school transportation. *Kadrmas v. Dickinson Public Schools*, 487 U.S. 450 (1988)

<sup>2</sup> See *In the Matter of Student K.M.*, Commissioner of Education, October 26, 2000

**Findings of Fact**

The walking route in this case requires the student to walk from an address on Baldwin Orchard Drive to Route 5, and then to use a crosswalk to Cranston Street. From Cranston Street the student would proceed to Ambrose Street and then on to the Western Hills Middle School. The petitioning parent submitted an excellent collection of pictures to document this route. Based on these submissions, it is evident, as the petitioner argues, that one of the crosswalks on the route could profit from repainting. It is also possible that a type of signage favored by the petitioner and which is used in another community might have some special merit. Nevertheless, when the route the student must walk is viewed in its entirety, it is clear that the existing sidewalks, crosswalk, and the signage are reasonably sufficient to establish a safe walking route to the Western Hills Middle School. Certainly on snowy days it is possible that snow removal on the sidewalks may not be as complete as might be wanted. Still, as the school district explained at the hearing, the district has a policy of closing schools when weather hazards are present.

In sum, it is hereby determined that the walking route under review presents a practicable route to school and this route meets the requirements of R.I.G.L.16-21-1 as discussed in *Brown v. Elston*, 445 A.2d 279 (R.I. 1982).

**Conclusion**

The appeal must be denied and dismissed.

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Forrest L. Avila, Hearing Officer

APPROVED:

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Deborah A. Gist, Commissioner

August 30, 2011  
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Date