

September 1, 2020

Dear Prout Community,

Earlier this summer we informed you that North Kingstown Public Schools would not be providing busing to private schools. We were informed today that South Kingstown Public Schools would also not be providing busing to private schools. We have not been notified of any other public school district withholding busing at this time.

In preparation for the possibility of further districts withholding busing, we engaged the Diocese of Providence for recommendations as to what steps families who are dependent on public busing could take.

Below is the guidance from the Diocese for what steps you can take individually and collectively if you choose to do so. Please note that steps 1 and 2 do not directly involve The Prout School. However, if you wish to add your students name for step 3, please note the best contact below.

We consider our partnership with South Kingstown Public Schools to be an important and productive one. We also respect all other public school districts, each of which has been challenged financially and logistically during these times.

That said, we also are committed to inform all of our Prout families about what Rhode Island law states about what local school committee's are responsible to provide for your children's health and safety while attending The Prout School.

Diocesan guidance on parent responses to denial of public school busing is as follows.

If one or more parents are dependent upon public busing to get their students to school, we recommend the following steps, based on how busing requests that have been denied have been handled in previous years:

1. Parents individually or collectively contact the SK School Committee, explaining that their students are being denied transportation and asking the school committee to follow RI General Law 16-21-1 (See below).
2. Parents contact RIDE, specifically the Commissioner, by email, phone or letter, explaining that their students are being denied transportation and asking the Commissioner to require the school committee to follow RI General Law 16-21-1. (RIDE Chief Legal Counsel Anthony Cottone should be included on any written correspondence.
3. Diocesan legal counsel drafts a letter on behalf of the students affected and their families to the specific school committee and the RIDE Commissioner of Education. If interested please contact via email phoroho@theproutschool.org

This is the RI General Law on busing:

§ 16-21-1. Transportation of public and private school pupils.

(a) The school committee of any town or city shall provide suitable transportation, that may include, but is not limited to, pupil transportation vehicles as defined in § 31-22.1-1, 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 that 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.

(1) The school committee of any town or city using a pupil transportation vehicle as defined in § 31-22.1-1 shall comply with the requirements of subsection (b) of this section, notwithstanding the provisions of § 31-22.1-3(6).

(b) For transportation provided to children enrolled in grades kindergarten through five (5), school bus monitors, other than the school bus driver, shall be required on all school-bound and home-bound routes. Variances to the requirement for a school bus monitor may be granted by the commissioner of elementary and secondary education if he or she finds that an alternative plan provides substantially equivalent safety for children. For the purposes of this section a "school bus monitor" means any person sixteen (16) years of age or older.

(c) No school committee shall negotiate, extend, or renew any transportation contract unless such contract enables the district to participate in the statewide transportation system, without penalty to the district, upon implementation of the statewide transportation system described in §§ 16-21.1-7 [repealed] and 16-21.1-8. Notice of the implementation of the statewide transportation system for in-district transportation shall be provided in writing by the department of elementary and secondary education to the superintendent of each district upon implementation. Upon implementation of the statewide system of transportation for all students, each school committee shall purchase transportation services for its own resident students by accessing the statewide system on a fee-for-service basis for each student; provided, however, that any school committee that fulfills its transportation obligations primarily through the use of district-owned buses or district employees may continue to do so. Variances to the requirement for the purchase of transportation services through the statewide transportation system for non-public and non-shared routes may be granted by the commissioner of elementary and secondary education if the commissioner finds that an alternative system is more cost effective. All fees paid for transportation services provided to students under the statewide system shall be paid into a statewide student transportation services restricted receipt account within the department of elementary and secondary education. Payments from the account shall be limited to payments to the transportation service provider and transportation system consultants. This restricted receipt account shall not be subject to the indirect cost recoveries provisions set forth in § 35-4-27.

The transportation law is notable because it is part of section 16-21-1 on "Health and Safety of Students," which is foundational to what the school committees must provide for their students. It is notable as well that students are entitled to busing *not schools*, and that the one responsible for the busing is "the school committee of any town or city," not, for instance, the superintendent directly.