



October 1, 2018

Christopher N. Maher
Superintendent
797 Westminster Street
Providence, RI 02903

Dear Superintendent Maher:

As a result of the bus strike currently affecting the Providence School District, the District has publicly acknowledged its obligations to provide transportation to students with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA), as required by their Individualized Education Plans (IEPs). However, the District has also announced that it has not located alternative transportation and that, instead, parents may seek reimbursement for any alternative transportation they are able to arrange.

We remain concerned that the District's position and actions fall short of meeting its responsibilities under the IDEA. The responsibility to find and arrange for alternative transportation falls first and foremost on the District and not on the parents, many of whom lack the contacts and, in some instances, English language skills to make such arrangements. In addition, even if parents can themselves provide or locate alternative transportation, the costs of fronting payment and then seeking much-delayed reimbursement from the school district are prohibitive for many families of Providence students.

For these reasons, we are asking that the Providence School District immediately take the following steps to fulfill its obligations to provide transportation to children with special education needs in the District:

- 1) Notify all such families by letter (in the language of the parents) that the District is able to meet their children's transportation needs through a variety of listed options (as indicated below), and include contact information (including contacts for parents who do not speak English) in the letter to make those individualized arrangements;
- 2) Provide a **non-exhaustive list** of options, in the letter described above, that should include but not be limited to:
 - Expedited reimbursement for transportation provided or arranged by the family;

- Up-front payment for transportation arranged by the District (or parent) through a variety of possible services, including taxi, Lyft, Uber, RIDE, van services, etc.;
 - Short-term home based services (both instruction and related services); and
 - Bus or van services arranged by Providence with other transportation providers, neighboring districts, statewide busing, etc.
- 3) Publicize the existence of these options through the media, including Spanish language media.

As noted, this is a non-exclusive list, as a one-size-fits-all solution will not be possible. In addition, Providence may need to take special care to arrange for transportation for children who are fragile or have mobility impairments.

Relatedly, we note that the District previously announced that any student absences during the first three days of the bus strike would be considered excused. However, this limited time frame for excusing student absences cannot stand. It would be fully unacceptable for the District to punish students for being unable to get to school when it is due to the District's own failure to provide satisfactory arrangements for their transportation, whether it is three days or thirty. In addition, special education students may be entitled to compensatory education for the days they missed, and the District should be considering in advance the mechanisms for implementing this additional remedy.

As our organizations consider individualized remedies for clients who have contacted us for assistance, we additionally request that, in light of the urgency of this matter, you respond to us by Wednesday, October 3rd with details of any plans the District is taking to address the current situation and ensure alternative arrangements are being made to accommodate the legally-mandated needs of special education students in Providence. You can respond to Veronika Kot at vkot@rils.org, and the other signatories will be advised of your response.

By copy of this letter, we are also requesting the R.I. Department of Education to intervene as necessary to ensure that students' rights are protected in this regard. Thank you in advance for your prompt attention to this urgent matter.

Sincerely,

Veronika Kot, Staff Attorney – Rhode Island Legal Services

Anne Mulready, Supervising Attorney – Rhode Island Disability Law Center

Steven Brown, Executive Director – American Civil Liberties Union of Rhode Island

cc: Kenneth Wager, RIDE
Providence School Board