



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

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Angélica Infante-Green  
Commissioner of Education  
[Angelica.infantegreen@ride.ri.gov](mailto:Angelica.infantegreen@ride.ri.gov)

Anthony Cottone, Esq.  
Chief Legal Counsel  
[Anthony.Cottone@ride.ri.gov](mailto:Anthony.Cottone@ride.ri.gov)

R.I. Department of Education  
255 Westminster Street, 4<sup>th</sup> Floor  
Providence, RI 02903

Sent via email

Re: Statewide Bus Services at the start of the 2024-2025 school year

Dear Commissioner Infante-Green and Mr. Cottone:

We are appalled by the failure of RIDE and its contractor Dattco Motorcoach to provide timely bus services, or indeed any bus services, to many children with disabilities during this past first week of school, and we are very concerned that the problems will continue this week. For students with disabilities, these failures are extremely harmful. For example, we have spoken to parents of students who attend out-of-district placements because of the intensity of their anxiety disorders, and the parents have told us that their children's anxiety has, not surprisingly, intensified because the bus did not arrive to pick them up or return them home. For students with medical needs, lengthy delays in busing can adversely affect their health. For students with autism, inconsistency in transportation can be very stressful and have adverse effects.

Our understanding is that RIDE decided to contract this school year with a new provider of bus transportation for the Statewide program, and that its new provider simply does not have enough bus drivers to provide transportation. Even worse, there has been a catastrophic failure to communicate the nature of the bus problems in a timely way to parents and schools. So, students waited for hours to be picked up simply because no bus driver was available and no one had prepared an alternative plan for providing transportation to the students. Instead, parents report getting called at 2 p.m. in the afternoon to pick up their children because no bus is available. The parents then have to scramble, and even with scrambling cannot get to their child's school until the child has been waiting a long time to be picked up.

WPRI reports that RIDE was aware that there were problems with having sufficient bus drivers for all the routes that require coverage and asked First Student to cover at least 26 routes before the first day of school. Dattco Chief Operating Officer Kyle DeVivo told WPRI that, “We have certainly not been prepared for every single route that we received,” and further mentioned the need to make improvements “*in the coming weeks.*” (emphasis added).

RIDE, as the State Educational Agency and the operator of the Statewide Transportation System, is responsible for ensuring that appropriate preparation has been made prior to the first day of school to ensure that each and every special education student gets the transportation services required by their IEPs starting on the first day of school. It is inexcusable that even one route was not properly planned for, much less the plethora of routes that were left unattended for this school year, and that there does not appear to be a timeline for immediately addressing the problem.

We understand that on Friday, September 6, 2024, RIDE sent a letter requiring Dattco to fix the problems within the next ten days. But RIDE does not have ten days to fix this problem; it needs to fix it now. RIDE maintains responsibility for ensuring that students get the transportation required by their IEPs as of September 3, 2024. So, it is essential that RIDE immediately develop an alternative plan to be used as a backup if Dattco is unable to provide the necessary services.

As you know, the ACLU of Rhode Island, along with Rhode Island Legal Services, filed a state complaint six years ago when a bus strike deprived Providence special education students of transportation. We are prepared to once again take legal action to protect the rights of students who receive Statewide transportation. However, we thought it might be possible to avoid legal proceedings if RIDE would promptly take the necessary actions to ensure that students received timely transportation and agreed to provide parents and students with compensation for the school that has been missed and the resources parents have needed to deploy to provide alternative transportation. We are therefore asking RIDE to commit to the following:

1. Through the office of the Governor, issue an emergency executive order that would allow Dattco to operate buses with bus drivers with licenses from Connecticut or other states on a temporary basis while the drivers apply for Rhode Island licenses.
2. Post on RIDE’s website information about the current status of the bus route for the upcoming school day known to RIDE by 8:00 p.m. on the day prior.
3. Create an alternative plan for each route that does not have a regular driver that would ensure that each student gets to and from school on time.
4. Provide a dedicated phone line for parents to call to troubleshoot problems and resolve them.
5. Post on RIDE’s website and individually notify parents that, for any time starting on September 3, 2024, that a bus was or is not provided and the student’s parent or caregiver provided transportation either to or from school, the parents able to drive their children to school will receive mileage at the federal mileage rate for 2024 (.67 cents per mile) and \$20/day for their time and effort, and that parents who do not have cars will be reimbursed for any taxi, Uber, Lyft or other car service used.

6. Provide compensatory education for any time that students have missed to date or miss from school because of the lack of, or delay in, busing.

Please advise us by noon tomorrow, Tuesday, if you agree to this six-point plan along with your timeframe for implementing each point with a swiftness that recognizes the urgency of this situation. If this cannot be resolved expeditiously, we may need to pursue our litigation options to resolve this matter.

Very truly yours,

**ACLU of Rhode Island**

Ellen Saideman, Esq., cooperating counsel  
[esaideman@yahoo.com](mailto:esaideman@yahoo.com)

Steven Brown, executive director  
[sbrown@riaclu.org](mailto:sbrown@riaclu.org)

Lynette Labinger, Esq., cooperating counsel  
[LL@labingerlaw.com](mailto:LL@labingerlaw.com)

**RI Center for Justice**

Jennifer Wood, Esq., executive director  
[jwood@centerforjustice.org](mailto:jwood@centerforjustice.org)

cc: Governor Dan McKee  
Claire Richards, Executive Counsel  
Peter F. Neronha, Attorney General  
Patricia DiCenso, Chair, Council on Elementary and Secondary Education