

RESALEE C.,

Appellant

v.

HARFORD COUNTY BOARD
OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

Opinion No. 09-14

OPINION

INTRODUCTION

In this appeal, Appellant disputes the decision of the Harford County Board of Education (local board) denying her request to relocate a bus stop in her neighborhood for kids attending South Hampton Middle School. The local board has filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable or illegal.

FACTUAL BACKGROUND

Appellant lives on Huntington Way in Bel Air. Her daughter attends South Hampton Middle School and takes the bus to and from school. Her daughter utilizes the bus stop on the corner of Hickory Ridge Drive and Flintlock Drive. Several children in the neighborhood use this bus stop.

On August 16, 2008, Appellant sent the local superintendent an e-mail requesting that the current bus stop location be moved closer to her home, approximately 200 feet to the stop sign at the intersection of Huntington Way and Flintlock Drive. Appellant based her request on safety concerns. She stated that she and the parents of the other children who use the stop cannot see the kids from the residences as they go to and from the bus stop or as they wait at the stop. She also stated that the bus stop is near where Hickory Ridge Drive dead ends into a large wooded area, that the kids wait at the stop while it is dark during the winter months, and that there have been concerns about potential abductions of children in the neighborhood. (Appellant's E-mail, 8/16/08).

In response to Appellant's request, the local Superintendent explained that the school system reviewed the bus stop location and determined that it would remain in its present location. She explained that bus stops are not determined based on the ability of parents to see their children from the residence as the children walk to and from the bus stops or while they wait at the stops. Many parents accompany their children where the parents feel it is unsafe for their children to go to and from the bus stop without adult supervision. (Haas E-mail, 8/16/08).

Appellant appealed the Superintendent's decision to the local board. She made the following points:

- All of the children at the current bus stop live on Huntington Way or the court off of Huntington Way. There are children who will be riding the bus next year who live on Flintlock Drive, but live closer to Huntington Way than to Hickory Ridge Drive.
- The elementary school bus stop for the neighborhood is at the requested location – Huntington Way and Flintlock Drive. There would be no conflict if the middle school stop were moved to the same spot because there is a one hour difference between the bus stop times for the elementary and middle school students.
- Hickory Ridge Drive is a side road with only two homes. The road dead ends into a heavily wooded area. It cannot be seen from the homes of any of the current riders.
- There are no street lamps in the area of the bus stop, making it dark and unsafe in the winter months.
- The kids have to wait at the bus stop for a lengthy period of time because the bus is typically 20 minutes late.
- Appellant has received e-mails throughout the school year warning of suspicious child predator activities and attempted child abductions in the area.

Appellant attached to her appeal the signatures of several families who live on Huntington Way and Flintlock Drive. These individuals purportedly support Appellant's request and have children who would benefit, now or in the future, from the change to the bus stop location. (Letter of Appeal to Local Board, 8/27/08).

The Superintendent responded to the appeal in a memorandum to the local board. She recommended that the bus stop remain at its current location based on the findings of the Assistant Supervisor of Transportation and the Director of Transportation. Their findings included the following: (1) the current bus stop is consistent with similar stops and similar situations providing a safe location for students utilizing the stop; (2) the ability to maintain visual contact with the student between the residence and the bus stop is not a criterion for determining bus stop locations; (3) it is the responsibility of the parents to ensure the safety of their children to and from the bus stop; and (4) the neighborhood in question has sidewalks and is controlled by a 25 mile per hour speed limit. Dr. Haas also included in the memorandum two findings that appear to reference the addition of a new bus stop rather than the relocation of the existing bus stop. These two findings are the requirements that bus stops be located at least one

quarter mile apart, and that the bus driver activate at least 100 feet of amber lights before activating the red flashing lights which cannot be done if two bus stops are not far enough away from each other. (Haas Memorandum, 9/1/08).

The local board sought further clarification from the superintendent because it appeared that the Transportation Office reviewed the bus stop request as a request for the creation of an additional bus stop rather than a relocation of the existing one. (Letter from Spicer, 9/10/08). The superintendent clarified, however, that the request was reviewed based on a proposed relocation of the existing bus stop. The superintendent added that relocation of the current stop per Appellant's request would require some students to walk further to get to the stop, and that the current bus stop was properly placed to be equitable to students along Flintlock Drive. (Haas Memorandum, 9/17/08).

The local board upheld the superintendent's decision. Counsel for the local board conveyed the decision to Appellant, stating as follows:

The board concluded that the facts and/or contentions which you presented were insufficient to overturn the Superintendent's decision of August 16, 2008. The Board found that if the current stop was relocated as you requested, other students and their families would be required to walk further from their homes to the relocated stop than they currently must walk. The Board concluded as a matter of law the Superintendent's decision to maintain the current bus stop location was appropriate and consistent with the proper administration of the school system.

(Spicer Letter, 9/23/08).

This appeal followed. Since the time of the local board's decision, the student who would have been required to walk farther has moved and no longer uses the bus stop in question. (Local Board's Memorandum).

STANDARD OF REVIEW

Because this appeal involves a decision of the local board involving a local policy, the local board's decision is considered prima facie correct, and the State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.03E(1).

ANALYSIS

We acknowledge here that Appellant is not requesting that the school system move the bus stop very far - approximately 200 feet from the existing location. In addition, we recognize that more of the students currently riding the bus live closer to the proposed stop rather than the existing one. Despite these facts, there is no evidence that the school system's decision to

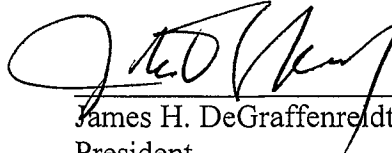
maintain the bus stop at its present location violates the HCPS safety standards or the HCPS Student Transportation Policy for Bus Routes and Stops. The school system selects bus stop locations based on the location relative to the neighborhood population throughout several school years rather than simply one school year. It does not change bus stop locations each year because of the administrative cost associated with doing so. (Local Board Memorandum). While Appellant might prefer a different bus stop location, she has not demonstrated that the local board's decision is arbitrary, unreasonable or illegal.

Specifically, Appellant maintains that the bus stop location should be changed for safety reasons. The safety issues are not concerns about traffic or road safety, but rather concerns having to do with possible child abduction. Appellant has these concerns because her daughter and other children at the stop are not supervised by adults. It is Appellant's responsibility, however, to ensure her child's safety until she boards the school bus in the morning and from the time the bus departs the bus stop in the afternoon. (2008-2009 Parent-Student Handbook and Calendar).¹ This holds true even though Appellant's daughter is a middle school student. While Appellant would prefer the bus stop to be located where she can see her daughter going to and from the bus stop from her residence, the ability of parents to see their children from their residences is not a criterion for determining bus stop locations. (Haas Memorandum, 9/17/08). In addition, there is no evidence of any incidents in which the safety of the children at the bus stop has been compromised or that the stop is inherently unsafe.

The transportation of students is a matter traditionally within the domain of the local school system and the State Board has been reluctant to intrude in such cases. *See Doreen Robinson v. Bd. of Educ. of Howard County*, 7 Ops. MSBE 1296 (1998)(rejecting parent's contention that the location of the bus stop jeopardized student safety); *Judy Hanson v. Bd. of Educ. of Howard County*, 7 Ops. MSBE 709 (1997)(finding bus stop along highway to meet the acceptable level of safety); *Lane v. Howard County Bd. of Educ.*, 6 Ops. MSBE 587 (1993)(rejecting allegations of unsafe walking route); *Gary and Melissa Lucas v. Bd. of Educ. of Garrett County*, 5 Ops. MSBE 421 (1989)(denial of bus transportation upheld despite claims of dangerous route with no sidewalks, barriers, or guardrails).

CONCLUSION

For these reasons, we do not find the local board's decision to be arbitrary, unreasonable or illegal. Accordingly, we affirm the local board's decision to maintain the current bus stop location.



James H. DeGraffenreidt, Jr.
President

¹The State Board can take judicial notice of documents such as the school system's student handbook. We have added the relevant pages to the record.

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April 28, 2009