

IN THE MATTER OF

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BEFORE THE BOARD

OF EDUCATION OF

CARROLL COUNTY

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DECISION OF THE BOARD OF EDUCATION OF CARROLL COUNTY

This is an appeal before the Board of Education of Carroll County (the “Board”) pursuant to Section 4-205(c) of the Education Article of the Annotated Code of Maryland brought by _____ and concerning their request for a change in the current bus stop location at 7257 John Pickett Road to 7126 John Pickett Road. As discussed more fully below, the process to review the change in bus stop locations began with a request to the Carroll County Public Schools Transportation Services Department in June of 2021 which was thoroughly considered by members of that Department followed by an appeal which was also very thoroughly reviewed by the Superintendent’s Designee who upheld the Transportation Services Department’s decision denying that change of the bus stop location. The _____ then timely appealed that decision to this Board. For the reasons set forth more fully below, we shall affirm.¹

STANDARD OF REVIEW

In reviewing decision of the Superintendent or the Superintendent’s Designee, the Board applies the standard set forth in COMAR 13A.01.05.06A. Pursuant to this standard, the Board will not substitute its judgment for that of the Superintendent or the Superintendent’s Designee unless the decision is arbitrary, unreasonable, or illegal. A decision may be arbitrary or unreasonable if it is contrary to sound educational policy or a

¹ The _____ did not request a hearing before this Board. For this reason, and because we do not believe that a hearing would aid us in the decision-making process, we shall render a decision based upon the written record presented to us.

reasoning mind could not have reasonably reached the same conclusion. COMAR 13A.01.05.06B. Further, a decision may be illegal if it is (1) unconstitutional, (2) exceeds statutory authority or jurisdiction, (3) misconstrues the law, (4) results from an unlawful procedure, (5) constitutes an abuse of discretionary powers, (6) or is otherwise affected by an error of law. COMAR 13A.01.05.06C. Finally, appellants challenging a policy decision of the Superintendent or his designee bear the burden of proving a decision arbitrary, unreasonable, or illegal by a preponderance of the evidence. COMAR 13A.01.05.06D.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The reside in the area on and have two children attending Parr's Ridge Elementary School and Mt. Airy Elementary School respectively. After contacting the Transportation Services Department, they completed a and submitted a Bus Stop Survey on June 11, 2021, wherein they expressed their concerns with the current bus stop location at 7257 John Pickett Road and requested a new location to 7126 John Pickett Road. The request was thoroughly reviewed by Transportation Supervisor Keith B. Shorter who conducted an on-site visit to the neighborhood. After doing his inspection, Mr. Shorter denied the request by letter dated August 18, 2021. In his letter to the , Mr. Shorter explained that the existing bus stop was under ¼ mile from the requested bus stop on a lightly travelled road with a posted speed limit of 25 mile per hour and that there were no hazardous or unusual conditions that would prevent a supervised child from walking to or waiting at the existing stop. Accordingly, Mr. Shorter concluded that the existing stop met the requirements of Board Policy EEC, which provides as follows:

Pupils shall be expected to walk up to the same distance to the school vehicle stop as pupils residing in non-transported areas are required to walk to their respective schools (1 mile). When a child resides one-half mile or

more from an existing stop, a closer stop shall be established if it can be done without backing the bus to turn around.

The _____ then appealed Mr. Shorter's decision to Transportation Services Department Director, Michael J. Hardesty. Mr. Hardesty also personally visited the location and the walking path from the _____ home, reviewed Mr. Shorter's decision and rationale, and examined the _____ request in light of applicable transportation regulations set forth in COMAR, Board policies and administrative regulations, and Transportation Services Department procedures. On August 27, 2021, Mr. Hardesty wrote to the _____ upholding Mr. Shorter's decision. In so doing, Mr. Hardesty noted that a change in the bus stop to the location requested by the _____ "would require a school bus to travel John Pickett Road at a distance of approximately .85 miles (one way) to access the only acceptable turnaround location" and that "there are several blind turns that the bus would be required to navigate with students on board" and that these facts "in combination with a required backing procedure would present serious safety concerns in extending the bus route."

The _____ then appealed to Dr. Steven A. Lockard, Superintendent of Carroll County Public Schools, who appointed Mr. Winship Wheatley as his designee to review the _____ appeal. After conducting an extensive review, Mr. Wheatley affirmed Mr. Hardesty's decision by letter dated November 2, 2021, wherein he concluded that the decisions of Mr. Hardesty and Mr. Shorter were neither arbitrary nor unreasonable but made within sound educational policy considerations and in full compliance with Board policy and administrative regulations.

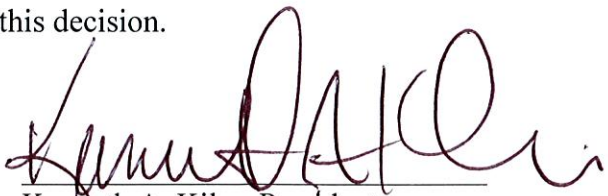
Following receipt of Mr. Wheatley's decision, the _____ emailed then Board President Marsha B. Herbert requesting consideration of alternative stop locations

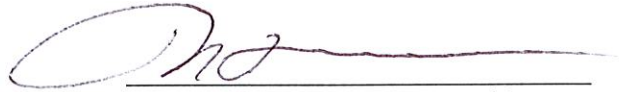
mentioned in Mr. Wheatley's observation notes but not adopted in his decision. By letter dated December 3, 2021, Mr. Hardesty concluded that these alternative stop locations should be rejected because they presented similar concerns to the originally requested stop change to 7126 John Pickett Road. The [redacted] then appealed to this Board.

Thorough and well-documented decisions made by experienced transportation professionals should not be overturned by the Board unless there is evidence that the decisions were arbitrary, unreasonable, or illegal. After a thorough review of the record in this appeal, we are convinced that the [redacted] have not demonstrated that any of the decisions below were arbitrary, unreasonable, or illegal. To the contrary, the detailed decisions at each level, from Mr. Shorter to Mr. Hardesty and then to Mr. Wheatley, were made only after thorough inspection of the site and with full consideration for the safe and efficient transportation of all students, including the [redacted] children. In addition, the decisions were made in full accordance with applicable COMAR regulations governing student transportation and with Board policy. Accordingly, we shall affirm. *See, e.g., Shane and Kimberly G. v. Carroll County Board of Education*, MSBE Op. No. 19-22 (2019).

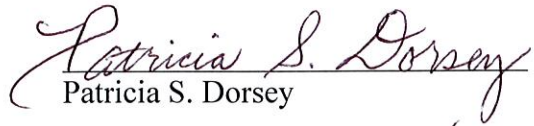
DECISION

For the reasons discussed above, this Board affirms the Superintendent's decision in this matter. Should they choose to do so, the [redacted] may appeal this decision to the Maryland State Board of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, in writing, within thirty days of the date of this decision.

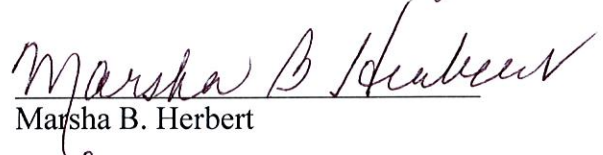

Kenneth A. Kiler, President



Tara A. Battaglia, Vice-President



Patricia S. Dorsey



Marsha B. Herbert



Donna M. Sivigny

February 9, 2022
Date