

JEANETTE R.,

Appellant

v.

ANNE ARUNDEL COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 19-30

OPINION

INTRODUCTION

Jeanette R. (Appellant) appeals the decision of the Anne Arundel County Board of Education (local board) denying her request for a bus stop. The local board responded to the appeal, maintaining that its decision is not arbitrary, unreasonable, or illegal. The Appellant responded, and the local board replied.

FACTUAL BACKGROUND

The Appellant's son applied for and was accepted into the STEM Program at South River High School for the 2018-2019 school year. According to the application materials for magnet school programs, such as the South River STEM Program, the school system provides transportation to and from consolidated community bus stops (magnet hub bus stops) that may not be located within ordinary walking distances. Parents of the magnet program students must arrange for transportation to and from either the designated magnet hub bus stop or the magnet school. The magnet hub bus stops are typically located at nearby elementary or middle schools in the community and are based on magnet student population and residence. The only magnet students who are picked up near their residences are those who live in the magnet school's attendance area who utilize the regular bus stops assigned to their communities. (Pritchard Letter, 3/27/19).

The magnet program application requires each applicant to acknowledge this requirement by checking a box and signing it. On March 27, 2018, the Appellant and her son both signed a Magnet Program Commitment Contract agreeing to this requirement.

In August 2018, the Appellant received the transportation schedule for the 2018-2019 school year. She learned that there was no consolidated bus stop for the South River STEM Program in her neighborhood. Rather, the nearest bus stop was located about two miles from the Appellant's house at Mills Parole Elementary School. Appellant disliked this because it required her to drive approximately two miles in the opposite direction of the magnet school for her son to take the bus to the magnet school, which then drove past her neighborhood on the way to the magnet school. Appellant requested the creation of an additional consolidated bus stop in her neighborhood.

During the fall of 2018, the Appellant communicated with local school system and local board representatives, requesting a bus stop in her neighborhood. The representatives offered various alternative bus stop locations, including the option for the Appellant to utilize any existing regular or hub bus stop on South River's attendance bus route. The Appellant declined all of the options, either due to safety concerns, length and distance from home, or because the bus drove past her neighborhood.

On December 3, 2018, after failed attempts to resolve the Appellant's complaint, the Assistant Superintendent for Advanced Studies and Programs, Mary Tillar, sent a letter to the Appellant formally denying her request. Ms. Tillar explained that the magnet hub bus stops are assessed based on magnet program student enrollment and the number of students associated with a geographic area. (Superintendent's Ex. 6).

The Appellant appealed to the Deputy Superintendent for Academics and Strategic Initiatives, Dr. Maureen McMahon, asking that the school system add a bus stop along the already existing consolidated bus route that would stop in her community. Dr. McMahon denied Appellant's request on January 28, 2019. (Superintendent's Exs. 7 & 8).

By letter dated March 13, 2019, the Appellant appealed to the local board. She argued that it was unreasonable to deny the creation of a new magnet hub bus stop in her community given that the designated bus drives right by her neighborhood. Appellant argued it was illogical to require her to drive almost two miles in the opposite direction to drop her son at the bus stop at Mills Parole. (Superintendent's Ex. 1). The local board upheld the denial of the Appellant's request for the creation of a new bus stop, finding that the transportation offered to the Appellant's son complied with applicable State law and regulations, as well as local board policy. (Local Board Decision).

This appeal followed.¹

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.01.05.06A. A decision may be arbitrary or unreasonable if it is contrary to sound educational policy or a reasoning mind could not have reasonably reached the conclusion the local board reached. COMAR 13A.01.05.06B.

LEGAL ANALYSIS

The Appellant argues that the local board's decision to deny her request for a new bus stop is unreasonable because it is illogical for her to drive two miles in the opposite direction of the magnet school for her son to ride a bus that drives by her residential community on its way to the magnet school. She believes that the school system should provide a magnet hub bus stop in her community.

¹ The Appellant's son attended the magnet school during the 2018-2019 school year and remains enrolled for the 2019-2020 school year.

In general, Maryland law does not mandate that local school systems provide transportation to their students.² Rather, State regulations provide that the local school systems are responsible for the safe operation of their transportation system, must comply with all State procedures and guidelines, and may adopt policies and procedures which exceed the State's minimum requirements. COMAR 13A.06.07.03. In accordance with this, the local board has adopted and implemented transportation policies that establish bus stops and allow for review of parental requests relative to bus route scheduling.

With regard to transportation for magnet programs, local board Regulation IP-RA specifically states: "Transportation services shall be authorized across established attendance area for students attending a Magnet Program. Parents/guardians shall provide transportation to/from consolidated bus stops." The Appellant was aware of the transportation system applicable to magnet programs and that the location of the hub bus might not be within ordinary walking distances.

The local Superintendent has explained that the regionally centralized magnet hub bus stop locations were selected based on the geographic locations of the homes of new and current magnet program students, and that there was no basis to revise the transportation system for STEM students during the 2018-2019 school year.³ (Local Board Decision). The local board has also explained that the magnet program hub bus stops are set up as efficiently as possible, recognizing that the school system has finite resources while also providing magnet program families with transportation services. The consolidated stops allow the school system to collect hundreds of students from different communities who would otherwise attend several different area schools at a single location for transit to the magnet program high schools.

The State Board gives great deference to the local boards' decisions in transportation disputes. *See Scott T. v. Anne Arundel County Bd. of Educ.*, MSBE Op. No. 14-05 (2014); *Herron, et al. v. Harford County Bd. of Educ.*, MSBE Op. No. 12-10 (2012); *Robinson v. Board of Educ. of Howard County*, 7 Ops. MSBE 1296 (1998). Absent evidence that the local board's policies do not comply with State law and regulations or that the local board failed to follow their procedures, the State Board generally upholds the local board's decision. *Scott T. v. Anne Arundel County Bd. of Educ.*, MSBE Op. No. 14-05 (2014). The Appellant has not presented evidence of any of this. Nor has she met her burden to demonstrate that the local board decision was arbitrary or unreasonable. Although she believes that it is inherently unreasonable to require her to drive two miles to the magnet hub bus stop only to have the bus drive back past her community to transport her son to the magnet school, we point out that the magnet hub bus stop concept serves multiple students and families. Some conveniently; some inconveniently. Inconvenience to one or more families does not translate into evidence of an arbitrary or unreasonable decision.

² Local school systems must provide transportation for children with disabilities during the regular school year, however, as required by the special education law. Md. Code Ann., Educ. §8-401.

³ The local board indicated that the bus routes and locations would be reviewed in preparation for the 2019-2020 school year but neither party has provided an update. Thus, we do not find the case to be moot as it is capable of repetition yet evading review.

CONCLUSION

For the reasons stated above, we do not find the local board's decision to be arbitrary, unreasonable, or illegal. We affirm the local board's decision to deny the Appellant's request for the creation of a new magnet hub bus stop in her community.

Signatures on File:

Warner I. Sumpter
President

Jean C. Halle
Vice-President

Gail H. Bates

Clarence C. Crawford

Vermelle D. Greene

Justin M. Hartings

Rose Maria Li

Joan Mele-McCarthy

Michael Phillips

David Steiner

August 27, 2019