

C.P.,

Appellant

v.

QUEEN ANNE'S COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 25-02

OPINION

INTRODUCTION

C.P. ("Appellant") appeals the decision of the Queen Anne's County Board of Education ("local board") denying her request for a temporary relocation of her son's bus stop. The local board filed a memorandum in response to her appeal maintaining that its decision is not arbitrary, unreasonable, or illegal. The Appellant replied and the local board responded.

FACTUAL BACKGROUND

The Appellant's son attends a Queen Anne's County Public Schools ("QACPS") high school and has an assigned bus stop at the end of his street (██████ Road and ██████ Road) that is approximately .18 mile (933 feet) from his home. On September 26, 2024, the Appellant emailed Sidney Pinder, QACPS Chief Operating Officer, requesting that her son's bus stop be temporarily moved from the end of her street to directly in front of her home. (R. 25-27). The Appellant cited safety concerns due to the absence of lighting resulting in a dark road in fall and winter when bus pick up time is before sunrise. *Id.* She also cited her husband's terminal health condition which requires her to provide full-time care thus preventing her from driving her son to school, as she prefers to do. *Id.* The Appellant stated that the bus stop change is needed until March 2025, at which point her son would be driving himself to school after obtaining his driver's license. *Id.*

On September 30, 2024, the Appellant supplemented her request to Mr. Pinder with additional concerns about safety and additional information, including a Queen Anne's County arrest report for the period of 2021-2024; the Queen Anne's County Sex Offender Registry indicating 38 sex offenders living in the County including one near the bus stop and one five minutes from the bus stop; and general information regarding undocumented immigration, sanctuary cities in Maryland, and national statistics regarding undocumented immigrant crime. (R. 26).

By email dated September 30, 2024, Mr. Pinder advised the Appellant that he had denied her request after reviewing the information she provided and reviewing the assigned bus stop. (R. 25). He stated that the bus stop is in accordance with the QACPS policy on student transportation and that the bus stop that is less than 2/10 of a mile from her home and within the bus stop

location walking distance for high schoolers (up to 1.5 miles). *Id.* He also explained that the statement referenced by the Appellant in the Pupil Transportation Policy concerning the presence of sidewalks was inapplicable to walking to bus stops as it pertains to the walking distance to and from school related to student eligibility for bus transportation.¹ *Id.*

By email dated October 1, 2024, the Appellant appealed to the local Superintendent asserting the same justifications as her earlier request. On October 10, 2024, after considering all documentation and information provided and the parameters set forth in the QACPS Transportation Handbook (“Handbook”) for bus stop locations, the Superintendent issued her decision denying the Appellant’s request. (R. 1). The Superintendent stated that the bus stop is 933 feet from the Appellant’s home and the walk to the bus stop is along a residential street with little or no transient traffic and a speed limit of less than 45 miles per hour, all of which complies with the parameters set forth in the Handbook. *Id.*

On October 11, 2024, the Appellant appealed the Superintendent’s decision to the local board reiterating the reasons raised before Mr. Pinder and the Superintendent and including all previously submitted documentation. (R. 4-19). In accordance with the local appeal procedure, the Superintendent was afforded an opportunity respond to the appeal, and the Appellant was provided an opportunity to submit additional information in support of her appeal. The documentation submitted by the Appellant in her appeal includes articles about crime and general crime statistics; maps of the locations of registered sex offenders in relation to the bus stop; and the time of sunrise. (R. 4-19).

On November 20, 2024, the local board issued a written decision unanimously affirming the denial of Appellant’s request for a temporary relocation of the bus stop. (R. 131-138). The local board found that the walking route to and from the bus stop was within the parameters of the local board’s Pupil Transportation Policy, and that the Appellant failed to meet her burden of proving that the Superintendent’s decision was arbitrary, unreasonable, or illegal. *Id.*

This appeal followed.²

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. The Appellant has the burden of proof by a preponderance of the evidence. COMAR 13A.01.05.06D.

¹ Mr. Pinder explained that the Policy provision relates to the walking zone/transportation eligibility for ██████████ High School students and requires those students who live within the limits of the Town of Centreville and who reside within 1.5 miles of the school to walk as there are sidewalks available for them to do so. *Id.*

² Appellant initially filed a premature appeal to the State Board on September 30, 2024, before any decision by the Superintendent or local board had been rendered. Once the local board issued its decision, the Appellant was permitted to supplement her State Board appeal and the briefing process on the merits of this case ensued.

LEGAL ANALYSIS

The Appellant seeks a change of bus stop location because she believes the bus stop is unsafe and she cannot drive her child to school as she prefers due to her need to be home to care for her sick husband. The Appellant maintains that the local board's decision fails to recognize that her concerns center around safety of the bus location due to no lights, proximity to homes of sex offenders, and increased crime in the area.

State regulation provides that local school systems are responsible for the safe operation of their transportation systems, must comply with applicable State procedures and guidelines, may adopt policies and procedures that do not conflict with existing federal and State statutes and rules, and may adopt local policies that exceed the minimum requirements of State law. COMAR 13A.06.07.03. To that end, the local board has adopted its Pupil Transportation Policy that provides that "bus stops will be established considering safety and economical reasons...." (R.40, Policy at I.C.1). The Policy also contains standards for suitable pathways and walking routes for bus stop locations, which provide in relevant part:

E. Suitable pathways and walking routes

1. Road shoulder, pathway, right-of-way, sidewalk or other surface which pupils can walk without being required to step on the portion of the road used by vehicles except:
 - a. Residential streets in a community with little or no transient traffic.
 - b. Roads/streets with speed limits less than 40 mph.
2. An exceptional condition may exist in the following cases:
 - a. When students are required to walk more than ¼ mile along a road having a posted speed limit of 45 miles per hour or more.
 - b. When students are required to walk across a roadway involving a safety hazard.
 - c. When students are required to walk across an active high-speed, at-grade railroad crossing, bridge, or overpass, or through a tunnel, having inadequate walkways.

(R. 41-42, Policy at I.E). Under the Policy, high school students may be expected to walk up to 1.5 miles to and from a bus stop. (R. 40, Policy at I.A.2).

The Appellant's request to temporarily change the bus stop location was denied at all levels of review after consideration of the submitted arguments and documentation as the bus stop location fell within the parameters of the Student Transportation Policy. The safety concerns raised by the Appellant related to sex offenders living in the area and generalized national, state, and local statistics about crime and undocumented immigration are speculative. Given Mr. Pinder's, the Superintendent's, and the local board's decisions not to grant the Appellant's request, the safety concerns raised were insufficient to demonstrate that the bus stop location was unsafe and did not justify an exception to the local board's reasonable rules governing bus stop location.

This case is like *C. Resalee v. Harford Cnty. Bd. of Educ.*, MSBE Op. No. 09-14 (2009), in which the State Board upheld the local board's decision not to relocate a bus stop despite concerns by middle school parents about the safety of the bus stop due to criminal activity and

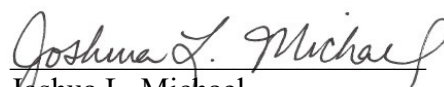
child abduction. This Board held that the “safety issues are not concerns about traffic or road safety” in line with the transportation policy and that “the ability of parents to see their children from their residences is not a criterion for determining bus stop location.” *Id* at 4. The Board noted that the appellant provided “no evidence of any incidences in which the safety of the children at the bus stop [had] been compromised or that the bus stop [was] inherently unsafe.” *Id*. The same is true in this case.

The State Board gives great deference to the local board decisions in transportation disputes and has long expressed its reluctance to intrude in such matters that have traditionally been within the domain of the school system. *See Scott T. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 14-05 (2014); *Herron, et al. v. Harford Cnty. Bd. of Educ.*, MSBE Op. No. 12-10 (2012); *Robinson v. Board of Educ. of Howard Cnty.*, 7 Ops. MSBE 1296 (1998); *Lane v. Howard Cnty. Bd. of Educ.*, 6 Ops. MSBE 587, 588 (1993). The Appellant’s burden on appeal is to show by a preponderance of the evidence that the local board erred in upholding the decision not to provide bus service. *See* COMAR 13A.01.05.06D. Appellant has not met that burden here.

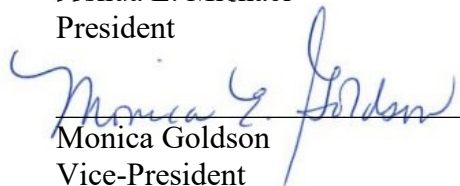
In the State Board appeal, the Appellant also seeks the bus stop relocation as an accommodation under the Americans with Disabilities Act. As this issue was not raised in the Appellant’s appeal to the local board, the State Board will not now consider the argument in the State Board appeal. *See Nikol E. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 19-18 (2019) (citing cases). Further, this Board has long declined to extend its jurisdiction to resolve disputes of this nature under federal law because there are other existing forums available for redress. *See Jon N. v. Charles Cnty. Bd. of Educ.*, MSBE Op. No. 17-19 (2017); *Semere D. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 17-09 (citing cases).

CONCLUSION

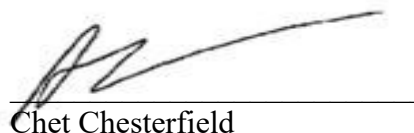
For the reasons stated above, we do not find the local board’s decision to be arbitrary, unreasonable, or illegal. We affirm the local board’s decision to deny the Appellant’s request for a temporary relocation of the bus stop.



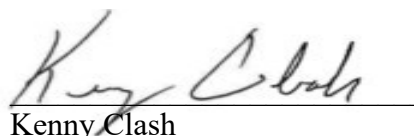
Joshua L. Michael
President




Monica Goldson
Vice-President




Chet Chesterfield



Kenny Clash



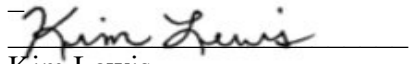
Clarence C. Crawford



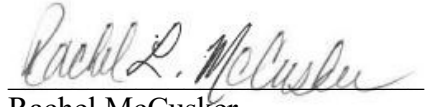
Nick Greer




Irma Johnson



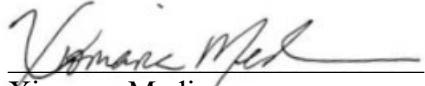
Kim Lewis



Rachel McCusker



Joan Mele-McCarthy



Xiomara Medina



Samir Paul

Absent:
Chuen-Chin Bianca Chang

January 28, 2025