

M.R. AND J.R,

Appellants

v.

ANNE ARUNDEL COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 25-18

OPINION

INTRODUCTION

The Appellants appeal the decision of the Anne Arundel County Board of Education (“local board”) finding their child ineligible for bus transportation because they reside within the one-mile walking distance for elementary age students. The local board filed a response to the appeal maintaining that the local board’s decision is not arbitrary, unreasonable, or illegal and should be upheld. The Appellants did not submit a reply to the local board’s response.

FACTUAL BACKGROUND

The Appellants have a child who attends the 2nd grade at the newly opened [REDACTED] Elementary School (“[REDACTED] ES”). The student does not receive bus transportation from Anne Arundel County Public Schools (“AACPS”) because the Appellants reside within the one-mile walking distance for elementary school students, as measured by the AACPS Transportation Department. (R. 56-58). Under AACPS Regulation EAA-RA(D)(3), which sets forth the Eligible Riders policy, elementary students residing within one mile of their assigned school by the nearest accessible route are not eligible for bus transportation services.¹

Prior to the opening of [REDACTED] S at the start of the 2024-2025 school year, the Transportation Department established the school’s bus stops and school walking paths. (R. 56-58). The Transportation Department measured the distance using the most direct route from the school’s closest building entrance to the closest property line at the identified residence location, using a mechanical measuring distance wheel, which measures the distance traversed in feet. *Id.* The Department also utilized Geographic Information Systems (“GPS”). *Id.*

On June 13, 2024, the [REDACTED] ES principal; Jamie Ballard, Supervisor of Transportation for the Arundel/Crofton cluster; and Carol Foley, Transportation Supervisor, made preliminary

¹ The Appellants also have a kindergarten age child who attends [REDACTED] ES but who is eligible for transportation services because AACPS has a different distance requirement for younger students, providing eligibility if they reside more than one-half mile from school, and Appellants satisfy that requirement. *See* Regulation EAA-RA(D)(2). Thus, this appeal concerns eligibility for transportation services for Appellants’ 2nd grade child only.

measurements with the mechanical walking wheel in the Appellants' community, including the Appellants' residence. *Id.* On June 21, Ms. Ballard, Ms. Foley, and Traci Finley, Operations Technician, again used the mechanical walking wheel to develop and finalize a walking route for the Appellants' community *Id.*

During the development of the walking routes, the Transportation Department determined that the Appellants' house, and some others in the community, were less than a mile from the school. AACPS notified the Appellants that their 2nd grader was not eligible for AACPS bus transportation.

On July 7, 2024, Appellants emailed the school principal to inquire whether the walking distance to the school would be reevaluated upon completion of the sidewalks to determine the "correct" walkable distance to the school's door from their home. (R. 7). Appellants stated that their residence was "2 houses shy of bus transportation." *Id.* The principal explained that they measured the walking zone along where the sidewalk was to be installed, and she forwarded the email to Ms. Ballard in the Transportation Department for handling. (R. 8). In response to the email, Ms. Ballard advised the Appellants that she did not expect installation of the sidewalks to change the measurements. (R.12).

On July 21, 2024, Appellants contacted Ms. Ballard about the walking route measurements. *Id.* Appellants maintained that they measured the walking route using the newly installed sidewalks and their results demonstrated that the distance from the school to their home is more than one mile. *Id.* Appellants indicated that they had measured the distance using a smartwatch that showed 1.04 miles; a phone app that showed 1.05 miles; and a walking wheel that showed 5,343 feet (1.01 miles). They asked for reconsideration of transportation eligibility claiming it was too far for their child to walk twice a day. *Id.*

Ms. Ballard considered the Appellants' communications to be an appeal of the walking route decision and referred Appellants to Terri Whitehead, Director of Transportation. (R. 20). On July 31, 2024, Appellants submitted an appeal to Ms. Whitehead challenging the calculation of the walking distance from the school to their residence to determine ineligibility for bus transportation for their 2nd grader. (R. 20-21). Appellants also raised concerns about the crosswalks and road conditions such as guardrails and the shoulder along the walking route. *Id.*

On August 1, 2024, Ms. Whitehead denied the appeal. (R. 21). She explained that the Appellants reside within the one-mile walking zone based on the Transportation Department calculations. She further stated:

The Transportation Department staff have a tremendous amount of knowledge, expertise, and familiarity with the road, walkway, and transportation networks within a given area. They also possess the same level of knowledge and expertise as it relates to safety matters associated with student walkers. Subject matter experts within the department routinely conduct site visits to analyze the suitability of walk zones, sidewalks and walking paths. This process was utilized by the Transportation Department during the analysis of the walk zones in your community.

Ms. Whitehead upheld the Transportation Department determinations and conclusions about the appropriateness and suitability of the walking zone, finding that they were supportable and properly made. *Id.*

On August 1, 2024, Appellants appealed Ms. Whitehead's decision to William Heister, AACPS Chief Operating Officer. (R. 26-34). Appellants requested that AACPS reevaluate the walking route given the completion of the sidewalks and asserted again that their residence is more than one mile from the school making their child eligible for bus transportation. *Id.* Appellants also stated that the neighborhood sidewalks are unprotected and could potentially endanger children. *Id.*

Dr. Heister directed Ms. Whitehead to conduct another review of the walking route in light of the Appellants' appeal. (R. 45-49). Ms. Whitehead and Ms. Ballard walked the routes again on August 5 and 6, measuring the distance of the walking path from the school's front door to the edge of the property line in front of Appellants' garage with the AACPS mechanical walking wheel. (R. 46) At that time, the sidewalks along the walking routes had been installed. *Id.* The route to the Appellants' residence measured at 5,246 feet, which is within the one-mile walking range of 5,280 feet applicable to elementary bus transportation services. *Id.* Dr. Heister also reviewed walking/transport area maps, roadway and walkway segments, pictures, and aerials of Appellants' neighborhood area. *Id.* In addition, Dr. Heister conferred with experts in the Transportation Department familiar with the roadway, sidewalks, walkways, and transportation networks in the region. *Id.*

By letter dated August 8, 2024, Dr. Heister denied the appeal finding that AACPS officials followed the proper procedures outlined in the AACPS policy and regulation to determine that the Appellants' home is located within one mile of the school and that their child is not eligible for bus transportation. (R. 91). Dr. Heister also considered the issue of walking route safety raised by the Appellants, finding there was nothing atypical of the route to flag a safety concern. (R. 47). The sidewalks, intersections, posted speed limits, and physical walking route segments all had the typical characteristics of the traditional residential neighborhoods and the greater communities throughout the County. *Id.* Both the neighborhood speed limits and the speed limits along the other roadway segments were within the AACPS regulation limits. *Id.* Dr. Heister noted that the [REDACTED] community has supplemental roadway stripping that further enhanced the ability of those on foot or bike to traverse roadway segments leading to the elementary school, and that the Anne Arundel County Police Department has crossing guards stationed at the two major roadway crossings along the walking path. *Id.* Dr. Heister concluded that the suggested routes and the methodology used to calculate and analyze them were not arbitrary, unreasonable, or contrary to sound educational policy and should be upheld. *Id.*

On August 26, 2024, Appellants appealed Dr. Heister's decision to the local board. (R. 1, 10). The Appellants reiterated their argument that they reside more than one mile from the school and should be eligible for bus transportation. *Id.* They also claimed that several nearby homes that are in closer proximity to school than theirs were found eligible for bus transportation through either the original determination of the routes or through an appeal. (R. 1).

On November 6, 2024, the local board issued a written Opinion and Order affirming Dr. Heister's decision and denied the Appellants' request for transportation services. (R. 109-118). The local board found the measurements of the Transportation Department to be reliable and that Appellants reside less than one mile from the school, which is with the walking range for their

2nd grade child. (R. 116-118). The local board noted that AACPS accepts only the official measurements of the Transportation Department to establish the distance along the walking routes as there is no way to verify the accuracy of measurements by third parties. *Id.* The local board found that Appellants did not provide sufficient evidence of arbitrary or illegal application of the AACPS policy and regulation and further stated that it cannot comment on other families and why their transportation eligibility appeals may have been approved. (R. 117-118).

This appeal followed.

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.

LEGAL ANALYSIS

In general, Maryland law does not mandate that local school systems provide transportation to their students. Rather, State regulations provide that local school systems are responsible for the safe operation of their transportation system; must comply with all federal and State regulations, 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. In accordance with this, the local board has adopted and implemented an Eligible Riders policy and regulation – Policy EAA and Regulation EAA-RA. (R. 52-55). Pursuant to Regulation EAA-RA(D)(1)(c), AACPS provides bus services to elementary students in first grade or above who live more than one mile from their home school.

The Appellants maintain that their residence is outside of the one-mile walking zone and that their 2nd grade child is therefore eligible for bus transportation. However, AACPS Transportation Department staff confirmed that Appellants' residence lies within the one-mile walking zone. Transportation officials measured the distance per the measurement standards in regulation EAA-RA(D)(2) which states that the "distance measurement shall be performed using the most direct route from the school's closest building entrance to the closest property line at the identified residence location, using a mechanical measuring device which measures the distance traversed in feet." Although the Appellants maintain that they too measured the distance and had a different result showing the distance to their home as more than one mile, the school system relies only its official measurements as it has no way to verify the Appellants' results. Here, Transportation Department officials measured the walking route multiple times using the official process, thus confirming the determination regarding ineligibility for bus services for Appellants' 2nd grader. There is no basis to overturn that determination.

Appellants assert that AACPS has implemented the Eligible Riders policy in an arbitrary and unreasonable way alleging that several neighborhood families live closer to the school than

they do and receive transportation services for their children. We agree with the local board that the Appellants have not presented sufficient evidence or verification of the details regarding the residences at issue for the Appellants to prevail on this argument. There are various reasons why students may receive transportation services such as special education services and exceptions for extraordinary circumstances under the Eligible Riders policy.

Appellants also raise safety concerns about the walking route. The Eligible Riders policy creates exceptions to the one-mile walking zone for certain safety issues, including:

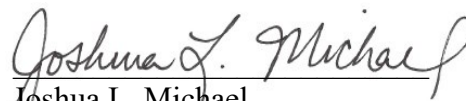
- Students who would otherwise be required to walk more than three-tenths of a mile to or from school along a road that has a shoulder of less than three feet and a posted speed limit in excess of 40 miles per hour;
- Students who would otherwise be required to walk across a divided State highway or any divided highway involving a safety hazard as determined by the Transportation Office;
- Students who would otherwise be required to walk across an active high-speed, at-grade railroad crossing or a bridge, tunnel, or overpass having inadequate walkways; or
- Students who would otherwise be required to walk more than three-tenths of a mile through or along an isolated wooded area when going to and from school.

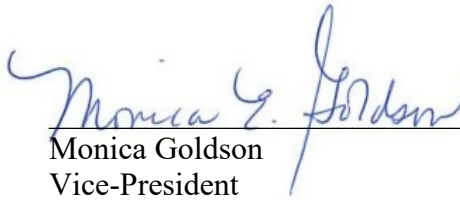
Regulation EAA-RA(D)(f) – (i). The Transportation Department officials reviewed the walking route and did not find the presence of any of these hazards. The safety concerns raised were insufficient to demonstrate that the walking route was unsafe and did not justify an exception that would require the provision of bus transportation under the Regulation.

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 D.S. v. Howard Cnty. Bd. of Educ.*, MSBE Op. No. 42-04 (2024); *Susanne C. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 19-28 (2019); *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 Appellants’ 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. Appellants have not met that burden here.


CONCLUSION

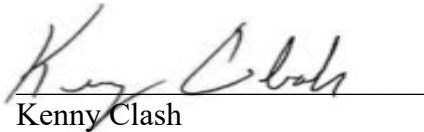
For the reasons stated above, we do not find the local board’s decision to be arbitrary, unreasonable, or illegal. We affirm the local board’s decision to deny the Appellants’ request for transportation.

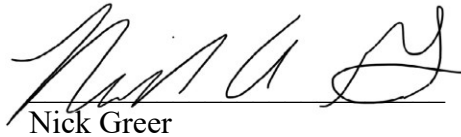

Joshua L. Michael
President

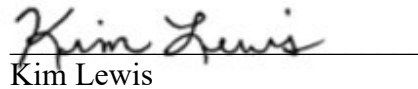

Monica Goldson
Vice-President


Chuen-Chin Bianca Chang

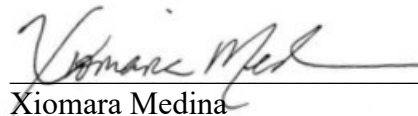

Chet Chesterfield

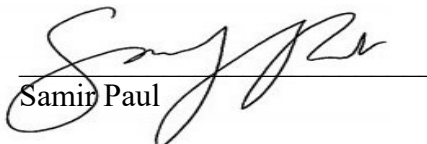

Kenny Clash


Nick Greer


Kim Lewis


Rachel McCusker


Xiomara Medina


Samir Paul

Absent:
Clarence Crawford

Abstained:
Irma Johnson
Joan Mele-McCarthy

April 29, 2025