

J.D., et al.

Appellants

v.

ANNE ARUNDEL COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 25-23

OPINION

INTRODUCTION

J.D., K.W., and A.L. (“Appellants”) appeal the decision of the Anne Arundel County Board of Education (“local board”) denying their request for a relocation of their children’s bus stop. The local board filed a response to the appeal maintaining that its decision is not arbitrary, unreasonable or illegal. The Appellant responded. The local board did not submit a reply, relying instead on the arguments set forth in its response to the appeal

FACTUAL BACKGROUND

The Appellants’ children attend an Anne Arundel County Public Schools (“AACPS”) elementary school and live in the Raintree community, which has an assigned bus stop located at Raintree Road and College Parkway.

During the 2023-2024 school year, AACPS heard concerns from the Raintree community about the safety of the bus stop’s location. Appellant A.L., the primary parent representing the community’s concerns at the time, expressed that it was not safe to stand at the established bus stop because there is no sidewalk leading to the stop, the stop is in the county right-of-way, and the bus stops prior to the intersection due to a forced turn island. (R. 23). A.L. communicated these concerns with the staff of AACPS’ Transportation Division and ultimately appealed to Dr. William Heiser, Chief Operating Officer. *Id.* Dr. Heiser denied her appeal on November 30, 2023, explaining that Transportation Division subject matter experts had conducted eight site visits between January 2023 and October 2023 to observe both loading and unloading from the bus and to evaluate the bus stop for its safety and compliance with AACPS bus stop guidelines. (R. 28-29). Additionally, Transportation Division staff observed the bus driver(s) to ensure that the bus driver(s) were following all school bus safety procedures which were confirmed at each site visit. The staff also evaluated the site lines of the bus stop location when crossing College Parkway as well as from the grassy area where students board and depart the bus. Further, they observed that there were sidewalks along Raintree Drive to the west side entrance of the community where students could safely wait in addition to the grassy area. For these reasons, Dr. Heiser denied A.L.’s appeal. *Id.* A.L. did not appeal to the local board.

The Raintree community again raised concerns about the safety of the bus stop in the next school year. Appellant J.D. sent an email to a member of the local board and the AACPS Director of Transportation on August 12, 2024, challenging the location of the bus stop. (R. 23). The Director of Transportation responded on August 15 with background information concerning how the bus stops in the Raintree community had changed over the previous two years and then addressed Appellant's safety concerns before denying a change of the bus stop location. (R. 33-34). Appellant appealed to Dr. Heiser, the Chief Operating Officer.¹

Dr. Heiser denied the appeal on September 5, 2024. (R. 48). Dr. Heiser advised that subject matter experts had conducted site visits ten times between January 2023 and August 2024 to observe the bus stop. Further, he advised that Transportation Division staff had also reviewed the possibility of moving the bus stop to the east side of the neighborhood entrance as suggested. Staff determined that this was not a safe alternative because it would require most students to cross Raintree Drive and increase the risk of students interacting with aggressive drivers. Additionally, he noted that moving the bus stop to the east side would impede traffic making a right turn when leaving the community. For these reasons, Dr. Heiser denied the Appellant's appeal and informed her of her right to appeal to the local board. *Id.*

Appellant J.D., appealed to the local board on September 23, 2024. (R. 1 - 9). Appellants K.W. and A.L. joined in the appeal. The local board notified the parties that it would conduct review of the record and directed the parties to submit all documentation and arguments for the local board's review by November 14, 2024. (R. 10).

In support of the argument that the bus stop was unsafe because it is located on College Parkway near the entrance of Raintree, Appellants submitted documentation that included (1) a map of the area, (2) photographs of the bus stop, construction projects in the area, and traffic buildup, and (3) a list of endorsements by fellow Raintree community residents. (R. 4-9, 13-22). The Superintendent submitted a response to the local board with thirteen supporting exhibits. (R. 23 – 70). The Superintendent's exhibits included a report prepared by Laura Dudeck, Transportation Supervisor for Annapolis/Broadneck Feeders and an evaluation of the bus stop by Jason Niedzielski, Senior Manager Operations Transportation. (R. 59-63). The report and evaluation concluded that the bus stop and standing area for students were safe when utilized properly. The Senior Manager Operations Transportation noted that students should be standing on the sidewalk portion of the neighborhood.

On December 12, 2024, the local board issued a written decision unanimously affirming the denial of Appellants' request for a relocation of the bus stop. (R. 72-73). The local board concluded that AACPS Transportation Division subject matter experts visited the bus stop eleven times between January 2023 and October 2024 at varying times of the day and for all school levels. In addition to these observations, the staff analyzed area maps for the local community and reviewed roadway and walkway segments, and photos provided during the appeal and after significant investigation and evaluation concluded that the bus stop safely meets the needs of the students and the nearby schools and fulfills the requirements of local board policy. (R. 72-73).

¹ In addition, the Appellant exchanged emails with the Transportation Supervisor for Annapolis/Broadneck. The Transportation Supervisor observed the buses operating along College Parkway and shared some suggestions, including that no students stand on College Parkway while waiting for the bus. The Transportation Supervisor also confirmed that the bus stop met all AACPS requirements.

This appeal followed.

STANDARD OF REVIEW

Because this is an appeal of a decision of the local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board, the local board's decision is considered *prima facie* correct. The State Board will not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable or illegal. COMAR 13A.01.05.06A.

LEGAL ANALYSIS

Case Merits

In general, Maryland law does not mandate that local school systems provide transportation to their students. Instead, State regulations provide 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 this end, the local board has adopted policies and regulations. *See* Policy EAA “Eligible Riders,” Regulation EAA-RA “Eligible Riders,” Policy EAD “School Bus Scheduling and Routing,” and Regulation EAD-RA “School Bus Scheduling and Routing.” (R. 64-70). Pursuant to these regulations, the Supervisor of Transportation or their designee is responsible for the operational issues related to all aspects of student transportation including establishing bus stops. Under Policy EAD(B)-(C), the local board has delegated to the Transportation Division the responsibility to “investigate and evaluate the request[s] for route modifications.” (R.68).

On appeal, Appellant raises three main points. First, Appellant maintains that the eleven site visits are not sufficient because, during the one visit that Appellant witnessed, Transportation Division staff remained inside their car, and this “unique bus stop is best understood as a pedestrian.” Second, the sidewalk in Raintree where students are asked to wait does not connect with or run adjacent to College Parkway, which forces students to cross a turn lane to enter and exit the bus. Third, the current route is over-efficient, as the bus currently arrives at school at 7:35 am, and school doors open at 7:45 am. (Appeal).

The Appellants’ request to change the bus stop location was denied at all levels of review after thorough consideration of the submitted arguments and documentation. AACPS’ Transportation Division staff, who are trained to evaluate the safety of bus stops, fully investigated the Appellants’ safety concerns. Staff visited the bus stop location a total of eleven times from January 2023 to October 2024 which, despite Appellants’ claims, is more than sufficient time to observe and evaluate the safety of the location. The staff evaluated the site lines of the bus stop location and the grassy area where students board and depart from the bus, and identified sidewalks where students could safely wait in addition to the grassy area. Staff found that the bus stop location met all safety requirements and was in accordance with local

board policy. There is no evidence to support the Appellants' arguments that the bus stop is unsafe. The local board appropriately relied on the expertise of the Supervisor of Transportation and the Transportation Division staff in denying the request to relocate the bus stop.

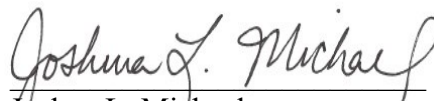
The State Board gives great deference to local board decisions in transportation disputes and has long expressed its reluctance to intrude in such matters that have traditionally been within the domain of the local school system. *See Scott T. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 14-05 (2014); *Herron, et al. v. Harford Cnty. Bd. of Educ.*, MSBE Op. No. 12-10 (2012); *Robinson v. Bd. of Educ. of Howard Cnty.*, 7 Ops. MSBE 1296 (1998); *Lane v. Howard Cnty. Bd. of Educ.*, 6 Ops. MSBE 587, 588 (1993). Absent evidence that the local board's procedures 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). It is the Appellants' burden on appeal to show by a preponderance of the evidence that the local board's decision was arbitrary, unreasonable, or illegal. Appellants have not met that burden here.

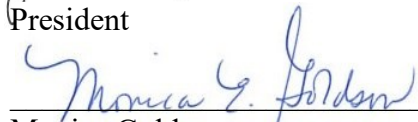
New Evidence

Appellants submitted new evidence in their reply to the local board's response that, on February 14, 2025, a three-car accident occurred near the bus stop for the Raintree community. (Appellant's Response). The State Board may admit additional evidence when the evidence is material and there were good reasons for the failure of Appellant to offer the evidence in the proceedings before the local board. COMAR 13A.01.05.04(C); *see Robin H. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 16-44 (2016). This evidence is not material to the local board's December 12, 2024 decision because, on its face, a single accident without more does not negate the findings of the school system's transportation experts based on multiple observations for over one and a half years. Thus, we decline to consider it as a part of this appeal.

CONCLUSION

For these reasons, we find that the local board's decision is not arbitrary, unreasonable or illegal. Accordingly, we affirm the decision to deny the request for a relocation of the bus stop.

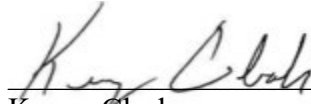

Joshua L. Michael
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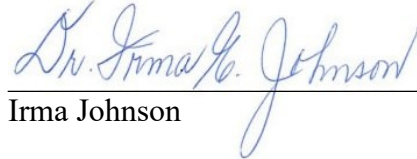
Kenny Clash




Clarence Crawford




Nick Greer



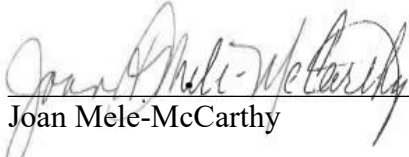
Irma Johnson



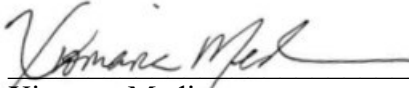
Kim Lewis



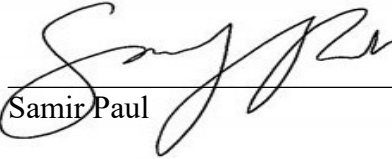
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May 29, 2025