

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 to the Annotated Code of Maryland brought by ( " ), a parent of a student attending (

Elementary School ( ), who seeks a change of her daughter's bus stop from to the foot of her driveway at Mrs.

appealed the denial of the bus stop change to Mr. James L. Doolan, Director of Transportation, and then to the Superintendent, Dr. Charles I. Ecker. Dr. Ecker appointed Assistant Superintendent of Administration Stephen H. Guthrie as his designee on the appeal, and Mr. Guthrie rendered a decision affirming the denial of the bus stop change on December 9, 2005. Dissatisfied with Mr. Guthrie's decision, has filed an appeal to this Board. Having reviewed all of the documentation submitted by Mrs.

as well as the material submitted by Mr. Guthrie as the Superintendent's designee, we are of the opinion that this appeal can be decided based upon the written record and without an evidentiary hearing as provided for in our Rules of Procedure.<sup>1</sup> For the reasons discussed below, we shall affirm Mr. Guthrie's decision.

<sup>1</sup> The State Board has long held that there is no need for an evidentiary hearing or oral argument when the appeal does not involve an alleged liberty or property interest deprivation thereby invoking the protections of the Fourteenth Amendment Due Process Clause. See Bricker v. Frederick County Board of Education, 3 Op. MSBE 99 (1982); Anderson and Blake v. Board of Education of Prince George's County, 5 Op. MSBE 415, 417 (1989). The State Board has applied this standard to student transportation appeals in Williams v. Howard County Board of Education, MSBE Op. No. 99-24, at 3(1999), wherein the State Board reasoned that "an appeal of a walking route is not generally entitled to an oral evidentiary hearing." See also Benoit v. Carroll County Board of Education, MSBE Op. No. 04-24, at 2 (2004)(reasoning that "there is no right (continued...)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

On or about October 25, 2005, [redacted] contacted the Board's Transportation Services Department to request a bus stop change for her daughter from [redacted] Road to the foot of her driveway at [redacted] Road. The Transportation Services Department visited the site and evaluated the stop for consistency with Board Policy, regulations, and Transportation procedures. Mr. Clifford Feldman, Assistant in Transportation Services, completed a Bus Stop/Walking Evaluation Form on October 26, 2005. [redacted] reported that the purpose for the change was that the resident at [redacted] would no longer let her or her father park her car in his driveway while her daughter waited for the bus.<sup>2</sup>

Mr. Feldman worked in collaboration with Mr. David Reeve, Supervisor of Transportation Services, to evaluate the bus stop change request. On or about October 26, 2005, Mr. Reeve contacted [redacted] and informed her of the decision to deny the bus stop change request because the location of the current bus stop fell within established procedures. In an October 30, 2005 letter to Mr. Doolan, [redacted] appealed Mr. Reeve's decision to deny the bus stop change request. After an investigation, Mr. Doolan issued a November 7, 2005 letter to [redacted] in which he upheld Mr. Reeve's decision to deny the bus stop change. However, Mr. Doolan identified an alternative solution for [redacted] by suggesting that she drive to the next bus stop to the west at [redacted] which is located only 437 feet from [redacted] driveway. Mr. Doolan indicated that the [redacted] bus stop would accommodate Ms.

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v. Carroll County Board of Education, MSBE Op. No. 04-24, at 2 (2004)(reasoning that "there is no right to an oral evidentiary hearing before the local board on this type of issue [*i.e.*, a bus stop location appeal] because there is no alleged liberty or property interest deprivation").

<sup>2</sup> [redacted] attributes the decision of the resident at [redacted] to no longer allow her or her father to park in his driveway as retaliation due to complaints by [redacted] about that resident's first grade son. We express no opinion on the merits of that distinct issue.

desire to park her car at the bus stop, as is a public road with a cul-de-sac.

Nonetheless, on November 18, 2005, appealed Mr. Doolan's decision. Acting as the Superintendent's designee on the appeal, Mr. Guthrie reviewed the record and conducted an independent site visit during which he inspected the two existing bus stops and their proximity to driveway. Following his review of the site and the record on the appeal, Mr. Guthrie issued his December 7, 2005 decision upholding the denial of the bus stop change.

Having reviewed the record on this appeal, we agree with Mr. Guthrie's decision. COMAR 13A.06.07.12B provides that school bus stops "should be approximately ¼ mile apart." Moreover, County Board Policy EEAC also provides as follows:

Bus stops shall be located at points where vision is unobstructed in both directions for at least 300 feet and where room is available for children to stand off the traveled portion of the road while waiting, to provide minimum obstruction to traffic flow and to minimize time to complete the run, where possible, stops shall be designated at least one-quarter (1/4) mile apart.

Moreover, the Administrative Regulations implementing Board Policy EEAC provide that students "shall be expected to walk up to one (1) mile to the established school vehicle stop, the same distance of students residing in non-transported areas are expected to walk to their respective schools."

In this case, the designated bus stop for daughter at is only 310 feet to the east of her driveway. The bus stop located at is only 437 feet to the west of her driveway.<sup>3</sup> Although is no longer permitted

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<sup>3</sup> The distance between the stop and the bus stop at is 747 feet. Given that a quarter mile is 1,320 feet, the distance between these two stops is well within the acceptable distance between bus stops.

by the resident at [redacted] to park her car in the driveway at that stop,<sup>4</sup> that stop is within a reasonable walking distance, and, if [redacted] prefers to drive, there is no reason why [redacted] can't park her car in the cul-de-sac at [redacted]. The record in this case clearly demonstrates that both locations are safe and within a very short distance from [redacted] driveway. Moreover, the locations of the two bus stops are in keeping with Board Policy, COMAR, and prior decisions of this Board and the Maryland State Board of Education. See, e.g., Benoit v. Carroll County Board of Education, MSBE Op. No. 04-24 (2004) (upholding denial of bus stop change for elementary school student whose stop was 712 feet from her driveway). Accordingly, Mr. Guthrie's decision to uphold the denial of [redacted] request to change her daughter's stop was not arbitrary, unreasonable, or illegal, and we shall affirm.

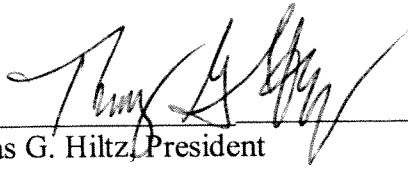
### **DECISION**

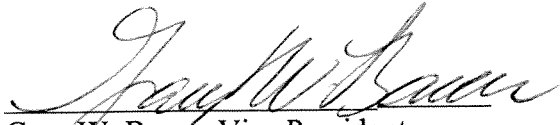
For the reasons discussed above, this Board affirms Mr. Guthrie's decision to uphold the earlier decisions to not change [redacted] daughter's bus stop. Should she choose to do so, [redacted] may appeal this decision to the Maryland State Board of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, in writing, within thirty days of the date of this decision.


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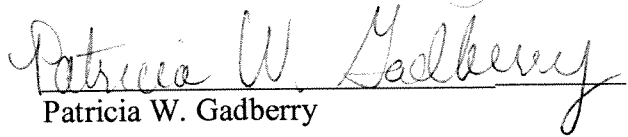
<sup>4</sup> When contacted by Mr. Doolan, the resident at [redacted] stated that he had no objection to individuals standing on his property while waiting for the bus, but he did not want cars parked on his property.


3/8/06  
Date

  
Thomas G. Hiltz, President

  
Gary W. Bauer, Vice President

  
Cynthia L. Foley

  
Patricia W. Gadberry

  
C. Scott Stone