

BEFORE THE BOARD OF EDUCATION OF CARROLL COUNTY

IN THE MATTER OF

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BUS STOP APPEAL

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DECISION AND ORDER

(also “Appellants”) have appealed the August 30, 2016, decision of Jonathan D. O’Neal, acting as the Superintendent’s designee, denying their request to change the location of a bus stop. Mr. O’Neal upheld the decisions of Mr. Scott C. Parsons, Area Supervisor of Transportation Services, and the decision of his supervisor, Director of Transportation Services Michael J. Hardesty. The appeal now comes before the Board of Education (“Board”) pursuant to Section 4-205(c)(2) of the Education Article, Annotated Code of Maryland, and the Board of Education’s Rules of Procedure in Appeals and Hearings under Section 4-205.

Appellants submitted an Appeal Information Form on October 14, 2016, with a number of attachments detailing Appellants’ requests for changing the location of a bus stop and the replies of staff. The chronology and a brief summary of the reasons for the request and for the administration’s refusal to grant the requested change are set forth below.

Based on the information provided, the Board makes the following Findings and Conclusions.

FINDINGS

On August 1, 2016, Mr. Parsons responded to an inquiry by _____ about changing a high school bus stop from Hook Road at Dream Mint Way to Dream Mint Way and Cool Mint Court within the neighborhood. Mr. Parsons concluded that the bus stop met school system

standards, was safe, and, therefore, no change was justified.

responded on August 3, 2016, acknowledging the points Mr. Parsons made, but arguing that the suggested in-neighborhood stop was a better and safer option. She cited several advantages to relocating the bus stop, including the fact that the elementary and middle school bus stops were relocated to Dream Mint Way and Cool Mint Court previously. She asked Mr. Parsons to reconsider his decision. Mr. Parsons advised her that, if she was dissatisfied, she could appeal to Mr. Hardesty, the Director of Transportation Services.

On August 9, 2016, appealed Mr. Parsons' decision to Mr. Hardesty. He responded on August 10, 2016. He noted that he had visited the area on several occasions and that it met school transportation standards. He acknowledged that the stop had been relocated for elementary and middle school students in 2008 by then Superintendent of Schools Charles Ecker. He concluded that changing the bus stop to Dream Mint Way and Cool Mint Court was not justified.

appealed Mr. Hardesty's decision to the Superintendent of Schools on August 27, 2016. She detailed the reasons for the requested change: (a) the stop is less than 1/10th of a mile from the current bus stop; (b) the flow of morning traffic on Hook Road would not be impeded if the bus stop were moved off Hook Road to Cool Mint Court and Dream Mint Way; (c) the speed limit on Hook Road is 40 mph whereas it is 25 mph in the neighborhood; (d) it is safer¹; and (e) the elementary and middle school bus stop already is at the requested location.

By letter dated August 30, 2016, Mr. O'Neal responded on behalf of the Superintendent. He visited the neighborhood, reviewed the correspondence between Appellants and school staff, and looked at Maryland regulations, Board Policy EEA, and the applicable Administrative

¹ According to , 133 speeding tickets were issued on Hook Road and four accidents in the vicinity in one year whereas during the same time period no speeding tickets were issued and no accidents were reported at the requested location.

Regulations. He concluded that the policy and regulations were applied appropriately and that the location of the bus stop was appropriate. He noted that the location of the bus stop was “very consistent with countless other high school stops throughout our county school system.” Consequently, he upheld the decision of the Transportation Department.

This appeal to the Board followed. [redacted] repeated the list of reasons for the requested change that had been presented to Mr. O’Neal and complained that the responses they had received from the administration “skirted the issue [of safety] by stating that the existing stop meets the existing requirements.” The issue, they said, is whether the requested bus stop is safer than the existing one while also meeting regulatory requirements.

By letter dated October 18, 2016, Mr. O’Neal sent the Board, and the Appellants, the Superintendent’s response to the appeal. He noted that the bus stop complied with all applicable laws, rules, and regulations, that the stop had been in existence for over ten years; that there have been no accidents or injuries involving a school bus or students during that 10-year history; and that the bus stop is consistent with many other high school stops throughout Carroll County, all of which have been established in accordance with the same criteria. In addition, however, Mr. O’Neal provided a rationale for the decision that went beyond consistency with regulations to explain why the requested bus stop was not necessarily better or safer. Some of the negative factors he mentioned included: (a) the space required to bring a school bus onto residential streets with parked cars; (b) the impact on the overall bus route because the current route serves students from Appellants’ subdivision and from the Peppermint Park subdivision on the opposite side of Hook Road; (c) the need to reroute the bus would create two left turns, including a left turn back onto Hook Road; and (d) the need for the bus to slow down to turn left into Appellants’ subdivision and the need for the bus to speed up for the left turn to re-enter Hook Road. The

Superintendent's designee asserted that "[t]here is nothing arbitrary, unreasonable or unsafe regarding the decision in this case" and urged the Board to uphold the decision.

STANDARD OF REVIEW

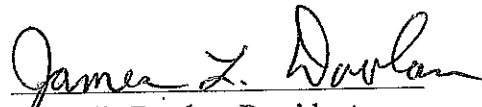
When, as in this case, the Superintendent has the authority to make the decision, the Board acts as an appellate body. Our review is to determine if the decision was arbitrary and unreasonable or illegal. The burden is on appellants to show, by a preponderance of the evidence, that a reasoning mind could not reasonably have reached the decision the Superintendent reached or that the decision resulted from unlawful procedure, abuse of discretionary powers, or other error of law.

CONCLUSIONS

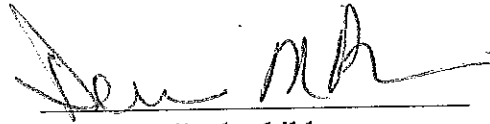
Appellants requested the change in location of the bus stop because they believed the change was a modest one, only 300 feet from the existing stop, and the proposed location was safer for the high school students in their neighborhood. In his response to the appeal, however, the Superintendent's designee refuted Appellants' primary argument that the requested stop was safer. It is clear, and Appellants do not contest, that the existing stop meets applicable rules and regulations. On that basis alone, we would find that the Superintendent's decision was not arbitrary and unreasonable or illegal. However, Mr. O'Neal, as the Superintendent's designee, also directly addressed Appellants' argument that the suggested stop is safer and presented a rationale for why the change created a less safe bus route.

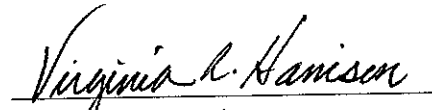
We conclude that the decision to deny the requested bus stop change was not arbitrary and unreasonable or illegal and we affirm and adopt the safety-related points presented in the Superintendent's reply to the appeal. Therefore, we, the undersigned, UPHOLD the decision to deny the requested bus stop change.

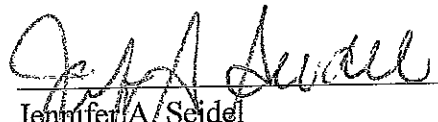
Date: November 9, 2016


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