

BEFORE THE MARYLAND STATE BOARD OF EDUCATION

Appellant

v.

CARROLL COUNTY BOARD OF  
EDUCATION

Appellee

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REPLY TO APPELLANTS' APRIL 14, 2019 RESPONSE

Appellee, Board of Education of Carroll County (the "Local Board," "Carroll County Public Schools," or "CCPS"), by its attorneys Rochelle S. Eisenberg and Pessin Katz Law, P.A., files this *Reply to Appellants' April 14, 2019 Response*. Appellants' *April 14, 2019 Response* was a letter from the Appellants advising of the construction of a turnaround. Appellee states,

1. The creation by the Appellants of a turnaround less than 1.0 mile from existing bus stops does not require that a bus stop be created or that the turnaround be used. Board Policy and AR EEAC - Bus Routes and Stops, provides that a bus stop **may, not must**, be created if certain criteria are met.

2. Board Policy EEAC - Bus Routes and Stops, states, "*When a student resides one-half mile or more from an existing stop, a closer stop shall be established if it can be done without backing the bus to turn around. When a student resides one mile or more from an existing stop, a closer stop shall be established if a safe school bus turnaround can be created.*" The Appellants do not meet this criteria. The turnaround is not large enough

for a school bus to turn around without backing and the distance from the turnaround to the two current bus stops does not meet the 1.0 miles requirement allowing for a backing procedure. The turnaround would require a school bus to enter and exit Harvey Yingling Road from/onto southbound Md. Rt. 30. Exiting Harvey Yingling Road onto southbound Md. Route 30 would create a serious safety issue for a school bus. Appellant previously expressed her concerns for the safety of the current bus stop at Harvey Yingling Road and Md. Route 30. Making the right hand turn onto southbound Md. Rt. 30 does not provide adequate acceleration ability for the bus to merge with southbound traffic. Making a right turn in a school bus and accelerating from the turn is not the same, and is much more dangerous than pulling into the Rt. 30 deceleration lane at the present Harvey Yingling Road bus stop and then accelerating back into Rt. 30 traffic. The bus has its red flashing lights activated while picking up students in the deceleration lane, thereby causing Md. Rt. 30 traffic to stop and allowing the bus to safely merge into traffic.

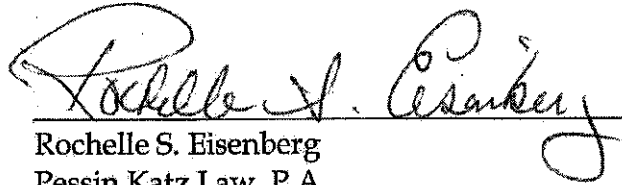
3. The CCPS disputes the Appellants' estimate of the additional time it would take to accomplish the addition of the turnaround and bus stop at the Appellants' residence.

4. When exceptions have been made to the bus routing guidelines by the CCPS, it is due to student safety and/or routing efficiency (but not if the routing would be unsafe). Sometimes due to geography there is no choice other than to have a bus do a backing maneuver to turn around, where a bus must travel a roadway less than the desired 20 feet width, or where routing efficiency is at issue.

5. It is unknown whether the Appellants even sought permission from Carroll County for the turnaround to be used by the public/commercial traffic and whether the County would consent to maintain the turnaround.

**CONCLUSION**

The Local Board renews its request for a decision from the Maryland State Board of Education that there is no basis in the record upon which the State Board might determine by a preponderance of the evidence that the decision denying the request for a new bus stop is either arbitrary, unreasonable, or illegal. For the foregoing reasons, the Local Board seeks affirmation of its decision.

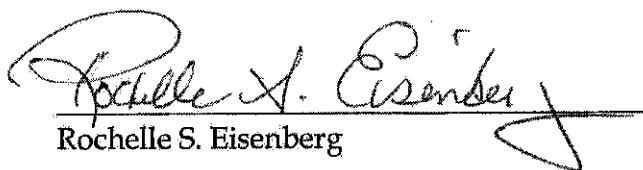


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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, on the 16th day of April, 2019, that a copy of the foregoing Reply to Appellant's April 14, 2019 Response was e-mailed and mailed first-class, postage prepaid to:

  
Rochelle S. Eisenberg

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