

S.C. AND I.C.

and

S.W.,

Appellants

v.

HOWARD COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 25-31

OPINION

INTRODUCTION

The State Board received two separate appeals, *S.C. and I.C. v. Howard Cnty. Bd. of Educ.* and *S.W. v. Howard Cnty. Bd. of Educ.*, challenging the decisions of the Howard County Board of Education (“local board”) denying the Appellants’ requests for relocation of the same elementary school bus stop. For purposes of efficiency, we have consolidated the two appeals because they contain nearly identical facts and arguments.

Appellants S.C. and I.C. appealed the local board’s decision 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 Appellants did not respond.

Appellant S.W. appealed the local board’s decision denying her request for a relocation of her 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, and the local board did not reply.

FACTUAL BACKGROUND

The Appellants’ children attend a Howard County Public Schools (“HCPS”) elementary school and have an assigned bus stop located at the intersection of River Road and Rockburn Hill Road.

On August 21, 2024, Appellants S.C. and I.C. emailed the HCPS Office of Student Transportation (“OST”) with a request to relocate the children’s assigned bus stop to its previous location at the top of the hill adjacent to 6189 Rockburn Hill Road. (R1. at 11-12).¹ Appellant S.W. submitted a similar request to OST on August 22. (R2. at 16). Rockburn Hill Road is a

¹ Record citations for Appellants S.C. and I.C. are designated as R1. Record citations for Appellant S.W. are designated as R2.

dead-end road that starts from River Road, at the bottom of a hill, and ends next to West Rockburn Hill Road at the top of the hill. (R1. at 53; R2. at 36). Appellants maintain that the walking route to the bus stop at River Road is not safe.

OST staff investigated the current bus stop location at the intersection of River Road and Rockburn Hill Road, and they determined that it met a reasonable level of safety for students walking to the bus stop from their homes. (R1. at 3; R2. at 17). They based this decision on site visits during which staff investigated each location using indicators that include roadway width, presence of traffic control devices, roadway speeds, traffic volume, and type of traffic. (R1. at 4; R2. at 66). OST staff noted that while the posted speed limit is 25 miles per hour, the vehicles they encountered travelled well below that speed. *Id.* They also noted a reinforced guardrail along the length of the road where there is a steep elevation change. *Id.* Lastly, they noted that the bus stop for the previous location did not allow for safe bus operations because the space was too restrictive to safely turn around a full-sized school bus. (R1. at 5; R2. *Id.*). OST staff concluded that the bus stop should remain at its current location. *Id.*

On September 24, 2024, the Appellants appealed to the Walking Route Survey Committee (“WRC”). (R1. at 13-14; R2. at 24-25). The Appellants said that the walking route to the bus stop is along a narrow road with a blind curve, that there is no sidewalk or shoulder, forcing the children to walk on the road, and that illegal activity happens regularly at that site. *Id.* Appellant S.W. provided examples of activity that included smoking, dumping trash, setting a couch on fire, discarding used condoms, and parking cars illegally. (R2. *Id.*). On September 27, the OST sent documentation to the WRC, including survey forms, a map of the route, and the local board pupil transportation policy. (R1. at 15-52; R2. 26-35).

On October 23, 2024, the WRC conducted a field review of the walking route and determined that although Rockburn Hill Road does not have sidewalks on either side, it has asphalt pavement in good condition, road width of 16 feet, and no visibility issues. (R1. at 53; R2. at 36). Therefore, it is a “walkable, low-volume, low-speed roadway” that is safe for use as a pathway to and from the bus stop. (R1. at 54; R2. At 37). On October 28, the WRC issued its findings and recommendations to the local superintendent’s designee, recommending no changes to the bus stop location. (R1. at 53; R2. at 36).

On November 12, 2024, Cornell Brown, HCPS Chief Operations Officer and acting as the superintendent’s designee, accepted the WRC’s findings and recommendations, denying the Appellants’ appeal. (R1. at 56-57; R2. at 39-40). Appellants appealed the denial to the local board claiming the bus stop is unsafe. Appellant S.W. argued that the bus stop’s location at the bottom of the hill violates Board Policy 5200 – *Student Transportation* because it does not provide a reasonable level of safety, the route does not have adequate sight distance, and there is not a suitable pathway to the bus stop. (R2. *Id.*).

On March 19, 2025,² the local board denied the appeal by a vote of 4 to 3. (Opinion and Order.) The local board reviewed Board Policy 5200, Board Implementation Procedures 5200-IP, and the submitted exhibits and documents. *Id.* at 3-5. Based on the evidence, the local board found that Rockburn Hill Road meets the criteria of a “suitable pathway” as defined by board

² The order was issued on March 19, 2025, but it was not signed until April 8, 2025. Opinion and Order at 6-7.

policy and that drivers have adequate sight distance when driving on that road. Further, the local board found that the previous stop at the top of the hill is not an appropriate location for the bus to turn around due to the size of the buses and the narrow width of the road. For these reasons, the local board held that the decision to maintain the bus stop's location is not arbitrary, unreasonable, or illegal.

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

New Evidence

Appellants in both cases submitted new evidence in their State Board appeals that was not submitted in their appeals to the local board. 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).

Appellants S.C. and I.C. submitted new evidence that there has been criminal activity in the area of the bus stop, citing to the case numbers for two Howard County police reports. (Appeal at 2). This evidence is material to the question of whether the new bus stop location is safe, albeit it is of limited materiality given that Appellants provided only case numbers and not the reports themselves which would have provided specificity. However, there is no good reason this evidence was not offered in the proceedings before the local board. Thus, we decline to consider the new evidence as a part of this appeal.

Appellant S.W. submitted new evidence in her reply to the local board's response that, for the 2023-2024 school year, OST had agreed to maintain the bus stop's location at the top of the hill. (Appellant's Response). This evidence is not material to the local board's March 19, 2025 decision because previous bus stop locations are not relevant to the ultimate question of whether the new bus stop location at the bottom of the hill meets a reasonable level of safety. *See Towle v. Carroll Cnty. Bd. of Educ.*, MSBE Op. No. 17-31 (2017). Thus, we decline to consider it as a part of this appeal.

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* Board Policy 5200, Board Implementation Procedures 5200-IP. (R1. at 19-24; R2. at 30-35). Policy 5200 establishes the process by which transportation services for students are provided. Under this policy, HCPS staff consider several factors when they implement school bus services: (1) reasonable levels of safety, (2) program efficiency, (3) economy of operations, (4) equity of service, (5) IEP or Section 504 plan requirements, and (6) homeless children and youth. Among these factors, providing a reasonable level of safety is the major consideration. (R1. at 19-20; R2. at 30-31).

On appeal, the Appellants maintain that the walking path to the bus stop violates Board Policy 5200 because it is not safe. (Appeals). The Appellants make three main points in support of their argument. First, they argue that the pathway is not suitable because of low visibility and lack of adequate sight distance due to the winding nature of the road. There are no streetlights, sidewalks, or shoulders, and there are gaps between the road and the guard rail. *Id.* Second, the Appellants allege that the location is dangerous due to criminal activity, including drug use, sexual activity, fires set, stolen cars, and suspicious vehicles parked there. *Id.* at 2, 5. Third, the bus stop's location had been long-established at the top of the hill. *Id.* at 6.

The OST, the WRC, the superintendent's designee, and the local board all determined that the assigned bus stop is appropriate and safe. (S.C. and I.C. Response at 9; S.W. Response at 7). These decisions are based on review of the documentation in the case and staff field review of the walking route to the bus stop. Board Policy 5200 supports the determination that the walking route to the assigned bus stop location is a suitable pathway. The policy defines "Suitable Pathways" as follows:

Road shoulder, walkway, right-of-way, sidewalk or other surface which students can walk without being required to step on the portion of the road used by vehicles except:

1. Residential streets in a community with little or no transient traffic.
2. Roads/streets with speed limits of 30 miles per hour or less.

(R1. at 22; R2. at 8-9). Consistent with the policy, it is suitable for students to walk on roads and streets without a sidewalk or a shoulder where the speed limit is 30 miles per hour or less, and the policy does not require streetlights or guard rails with no gaps. The evidence shows that Rockburn Hill Road is a residential street in a community with little traffic and a speed limit of 25 miles per hour. (R1. at 4; R2. at 17). Consequently, Rockburn Hill Road is a suitable pathway under the local board's policy.

Appellants' concerns about criminal activity are similar to those in *Resalee C. v. Harford Cnty. Bd. of Educ.*, MSBE Op. No. 09-14 (2009), and *C.P. v. Queen Anne's Cnty. Bd. of Educ.*, MSBE Op. No. 25-02 (2025). In *Resalee C.*, we upheld a local board's decision to not relocate a bus stop despite parents' concerns of potential child abductions in the neighborhood. We explained that it is the parents' responsibility to supervise and ensure the safety of their children

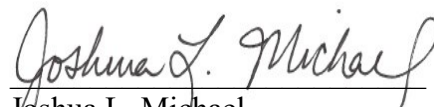
until they board and after they disembark the school bus at the bus stop, and that the ability of parents to see their children from their residences is not a criterion for determining bus stop locations. MSBE Op. No. 09-14 at 4. Similarly, we upheld the local board's decision in *C.P.* despite 38 registered sex offenders residing in the county, including one near the bus stop and another one five minutes from the bus stop. MSBE Op. No. 25-02 at 1. We noted that there was "no evidence of any incidences in which the safety of the children at the bus stop [had] been compromised or that the bus stop [was] inherently unsafe." *Id.* at 4. Here, the ability of parents to see their children from their residences is similarly not a criterion, and the criminal activity alleged by the parents does not make the assigned bus stop location inherently unsafe. Furthermore, HCPS staff did not corroborate any significant criminal activity.

As to the fact that the bus stop was previously established at the top of the hill, the local board correctly observes that the length of time that a route was in place does not affect our analysis. *Towle v. Carroll Cnty. Bd. of Educ.*, MSBE Op. No. 17-31 (2017) ("In our view, the length of time that the route was in place does not alter the local board's analysis that the current route is safer and preferable to the alternative route suggested by Appellant."). The current bus stop location is preferable to the prior location given the prior location's limitation on the buses' ability to turn around due to bus size and the narrow width of the road.

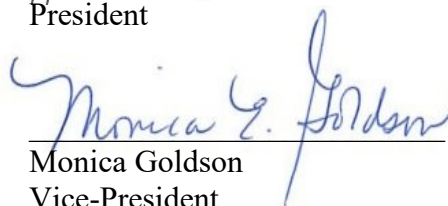
The State Board gives great deference to local board decisions in transportation disputes and has long expressed its reluctance to intrude in such matters that have traditionally been within the domain of the local school system. *See Scott T. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 14-05 (2014); *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 Cnty. 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.

CONCLUSION

For these reasons, we decline to accept the new evidence submitted by the Appellants and 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.



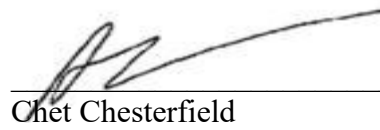
Joshua L. Michael
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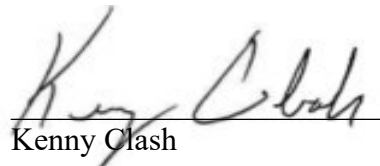


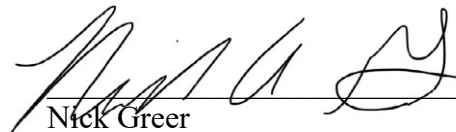
Monica Goldson
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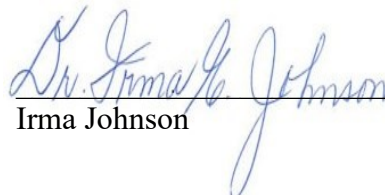

James Bell

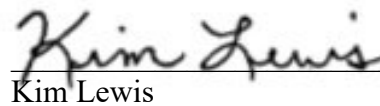

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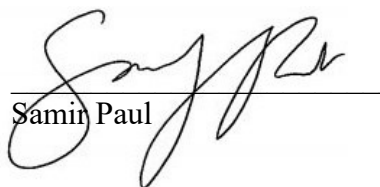

Kenny Clash


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Absent:
Xiomara Medina

July 29, 2025