

JOHN DACRES, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 NEW JERSEY DEPARTMENT OF : DECISION
 EDUCATION, CRIMINAL HISTORY :
 REVIEW UNIT, :
 :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioner – a school bus driver – appealed the Department’s determination to suspend his school bus endorsement pursuant to *N.J.S.A.* 18A:39-28 after an alleged incident in which a kindergarten student was left on his bus in December 2008 as the result of petitioner’s failure to conduct the mandated visual inspection at the end of his route. Respondent filed a motion for summary decision, supported by certifications from several people with knowledge of the incident.

The ALJ found, *inter alia*, that: on December 5, 2008, a five-year-old student, K.B., was placed on a school bus driven by petitioner; petitioner parked the bus at the end of his route and failed to perform the mandated visual inspection of the vehicle’s interior before exiting, as is required by *N.J.S.A.* 18A:39-28; K.B. remained on the bus after it was parked; the child – crying but otherwise unharmed – managed to exit the closed bus and sought help from a high school teacher who was in the parking lot; and petitioner presented no evidence of any sort in opposition to the facts offered in evidence through the certifications presented by respondent. Accordingly, the ALJ granted summary decision in favor of respondent, ordered a six-month suspension of the petitioner’s school bus endorsement – which is the mandatory penalty for a first offense pursuant to *N.J.S.A.* 18A:39-28 – and dismissed the petition.

Upon full review and consideration of the record, the Acting Commissioner concurred with the ALJ that the Office of Criminal History Review is entitled to summary decision in this matter. Accordingly, the petition was dismissed and the respondent was directed to notify the Motor Vehicle Commission of its obligation to suspend petitioner’s school bus endorsement pursuant to *N.J.S.A.* 18A:39-28 et seq., and to notify petitioner’s employer that he is ineligible for the period of suspension for continued employment as a school bus driver.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

September 8, 2010

OAL DKT. NO. EDU 02278-09
AGENCY DKT. NO. 16-1/09

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner concurs with the Administrative Law Judge that the Office of Criminal History Review Unit is entitled to summary decision. Accordingly, the petition of appeal is dismissed. Respondent is directed to notify the Motor Vehicle Commission of its obligation pursuant to *N.J.S.A. 18A:39-28 et seq.* to suspend petitioner's school bus endorsement, and to notify petitioner's employer that he is ineligible for the period of suspension for continued employment as a school bus driver.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: September 8, 2010

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* This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36.*