

#126-11 (OAL Decision: Not yet available online)

DONNA FIRMAN, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY DEPARTMENT OF : DECISION
EDUCATION, OFFICE OF CRIMINAL,
HISTORY REVIEW UNIT, :
RESPONDENT. :

SYNOPSIS

Petitioner – a school bus driver – appealed the Department’s determination to suspend her school bus endorsement pursuant to *N.J.S.A. 18A:39-28* after an alleged incident in which a young girl, A.L., was left on her bus in March 2010 because petitioner failed to conduct the mandated visual inspection at the end of her route. Petitioner asserted that she was a substitute driver on the route, that she did not know the children and they did not know her, and that she made every stop assigned on the directional sheet – which did not contain the name or bus stop of A.L. Respondent filed a motion for summary decision.

The ALJ found, *inter alia*, that: on March 22, 2010, a young girl, A.L., was placed on a school bus driven by petitioner; petitioner parked the bus at the end of her route at a pizza shop 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*; A.L. remained on the bus after it was parked; the child – crying but otherwise unharmed – was discovered on the bus after petitioner returned and heard a noise coming from the back of the bus; petitioner offered explanation for how the child was left on the bus, but presented no evidence in opposition to the facts showing that A.L. was left on the bus at the end of the route. 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 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 she 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.

March 24, 2011

OAL DKT. NO. EDU 04415-10
AGENCY DKT. NO. 81-4/10

DONNA FIRMAN,	:	
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	:	
RESPONDENT.	:	
_____	:	

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 she 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: March 24, 2011

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* This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).