

NINOSKA L. LAZO, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
NEW JERSEY STATE DEPARTMENT : DECISION
OF EDUCATION, 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 two children were left on her bus in September 2010 when petitioner failed to conduct the mandated visual inspection at the end of her route. Petitioner asserted that she could explain how the children came to be left on the bus during a hearing. Respondent filed a motion for summary decision.

The ALJ found, *inter alia*, that: on September 7, 2010, petitioner drove a school bus upon which several children had been placed; at the end of her route, petitioner 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; as a result, petitioner failed to discover that two children remained on the bus; petitioner contended that she could explain how the children had come to be left on the bus, but presented no evidence in opposition to the facts showing that two children remained 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.

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| <p>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.</p> |
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OAL DKT. NO. EDU12143-10
AGENCY DKT. NO. 564-9/10

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Petitioner appeals the Department of Education's determination to suspend the S endorsement to her driver's license for a period of six months – in consequence of her failure to insure that all children had left her bus at the end of her assigned run. Upon review of the record and Initial Decision of the Office of Administrative Law,¹ both of which reveal that petitioner concedes that two children remained on the bus at the end of her route, the Commissioner adopts the Initial Decision for the reasons set forth therein.

Accordingly, the petition 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.²

ACTING COMMISSIONER OF EDUCATION

Date of Decision: September 26, 2011

Date of Mailing: September 27, 2011

¹ Neither party filed exceptions.

² 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)*