

#555-11 (OAL Decision: Not yet available online)

OLIVER W. DURANT, JR., :
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 his school bus endorsement pursuant to *N.J.S.A. 18A:39-28* after an incident in which a child was left on the school bus in December 2010 when petitioner admittedly failed to conduct the mandated visual inspection at the end of his route. Respondent filed a motion for summary decision.

The ALJ found that: there are no material facts in dispute, and the matter is ripe for summary decision; on December 17, 2010, a child was left on petitioner’s bus at the end of his route; petitioner failed to do a walk-through of the bus, which resulted in the child being left on the bus; *N.J.S.A. 18A:39-28* requires that a school bus driver perform a visual inspection at the end of the bus route; *N.J.S.A. 18A:39-29(a)* states that any bus driver who is found to have left a pupil on a school bus at the end of the route will have his or her school bus driver’s “S” endorsement suspended for six months for the first offense; and petitioner, in appealing his suspension, provided an affidavit in which he admitted that he did not do a walk-through on December 17, 2010. Accordingly, the ALJ granted summary decision in favor of respondent, ordered a six-month suspension of the petitioner’s school bus endorsement 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 he is ineligible for the period of suspension for continued employment as a school bus driver.

<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>

December 13, 2011

OAL DKT. NO. EDU 2062-11
AGENCY DKT. NO. 20-1/11

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Upon review of the record of this matter and the Initial Decision of the Office of Administrative Law, the Commissioner adopts the Initial Decision as the final decision in this case – for the reasons set forth by the Administrative Law Judge.

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 he is ineligible – for the period of suspension – to continue employment as a school bus driver.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 13, 2011

Date of Mailing: December 13, 2011

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36.* (*N.J.S.A. 18A:6-9.1*)