

New Jersey Commissioner of Education
Final Decision

C.K. and R.K., on behalf of minor child, C.K.,

Petitioners,

v.

Board of Education of the Township of Franklin,
Somerset County,

Respondent.

The record of this matter, the hearing transcript, and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed and considered. The parties did not file exceptions.

Upon review, the Commissioner concurs with the Administrative Law Judge that respondent, Board of Education of the Township of Franklin, did not act arbitrarily, capriciously, or unreasonably when it declined to modify the minor child's school bus route.

Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹


COMMISSIONER OF EDUCATION

Date of Decision: April 14, 2025
Date of Mailing: April 16, 2025

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. EDU 02192-24

AGENCY DKT. NO. 14-1/24

C.K. AND R.K. ON BEHALF OF MINOR CHILD, C.K.,

Petitioner,

v.

TOWNSHIP OF FRANKLIN

BOARD OF EDUCATION, SOMERSET COUNTY,

TRANSPORTATION DEPARTMENT.

Respondent.

R.K. and C.K., petitioners, pro se

Emily E. Strawbridge, Esq., for respondent Township of Franklin Board of Education, Somerset County (Parker McCay P.A., attorneys)

Record Closed: December 4, 2024

Decided: March 7, 2025¹

BEFORE **KIM C. BELIN**, ALJ:

STATEMENT OF THE CASE

The petitioners, R.K. and C.K., challenged the decision of the respondent, Franklin Township Board of Education (Board/respondent), to prohibit the school bus

¹ Due to a voluminous caseload, an extension was granted.

from dropping off their minor daughter, C.K., after school at her home street due to alleged safety concerns. Is the respondent's decision arbitrary, capricious or unreasonable? No, N.J.A.C. 6A:27-3.3 mandates that charter school students must be transported on the same terms and conditions as students attending other public schools located in the district where the charter school student resides. The respondent does not sanction any school bus to make a left turn onto Hilltop Lane due to safety concerns.

PROCEDURAL HISTORY

On January 22, 2024, petitioners filed a complaint with the New Jersey Department of Education's Office of Controversies and Disputes (OCD) asserting that the respondent's refusal to allow C.K. to be dropped off on Hilltop Lane after school is arbitrary, capricious and unreasonable. The Board filed its answer on February 12, 2024, and the contested case was transmitted to the Office of Administrative Law (OAL), where it was filed on February 15, 2024. N.J.S.A. 52:14B-1 to 1-5 and N.J.S.A. 52:14F-1 to -13.

A hearing was held on October 3, 2024. The record was held open for transcripts and closing submissions, which were received on December 4, 2024, and the record closed on that date.

FACTUAL FINDINGS AND CONCLUSIONS

I **FIND** the following as **FACTS** essentially not in dispute:

R.K. and C.K. are the parents of C.K. and reside in Somerset, New Jersey. C.K. is a sixth-grade student at the Thomas Edison EnergySmart Charter School (TEECS) also located in Somerset, New Jersey. TEECS accepts students in grades kindergarten to twelfth grade from Franklin, North Brunswick and South Brunswick Townships. TEECS is located within the boundaries of the Board. The Board is responsible for providing transportation to the students attending public schools within its boundaries.

C.K. lives more than two miles away from TEECS and thus takes a school bus supplied by the respondent to TEECS daily. The bus is operated by First Student Bus, a third-party vendor. The Board contracts with First Student Bus to provide transportation to the students residing in Franklin Township.

C.K. is the last student picked up on the way to school in the morning and one of the last students dropped off in the afternoon, although the school bus passes directly by her street in the afternoon. The afternoon ride is typically more than an hour long depending on traffic.

C.K. lives on a cul-de-sac called Hilltop Lane. For the 2016–17 and 2019–20 school years, the Board’s transportation department issued a school bus pass identifying the morning and afternoon stops as Hilltop Lane and South Middlebush Road. For the 2016–17 school year the afternoon bus was scheduled to depart from TEECs at 3:00 p.m. and arrived at South Middlebush Road and Hilltop Lane at 3:56 p.m. (Petitioners’ Pet., email dated January 27, 2024.) For the 2019–20 school year, the afternoon bus arrived at Hilltop Lane and South Middlebush Road at 3:01 p.m. No departure time is listed. (Ibid.)

For the current school year, the afternoon bus leaves TEECS at 2:45 p.m. and arrives at South Middlebush Road and Hilltop Lane at 3:59 p.m. (R-6.) South Middlebush Road is a busy road and deemed unsafe by the Board as a bus stop.

By letter dated October 4, 2022, the Director of School Management denied the petitioners’ request to modify C.K.’s bus stop to allow her a shorter afternoon bus ride by having the afternoon bus turn onto Hilltop Lane to drop off students and use the cul-de-sac on Zapf Court (a side street off of Hilltop Lane) to turn around and get back onto South Middlebush Road. The Director asserted that this proposed new route would be unsafe. (R032.) He also stated that he was not aware of and there was no documentation to support the petitioners’ contention that the transportation department had granted a previous accommodation to allow for this modification and that any bus that was dropping off students on Hilltop Lane was doing so without the knowledge or approval of the First Student or the transportation office staff. (Id.)

By letter dated October 12, 2022, the petitioners requested that the Board reconsider its denial of their request to change the bus route on the basis that this agreement existed previously because all parties agreed that South Middlebush Road was not a safe place for students or parents to cross, the Zapf Court cul-de-sac was large enough for a fifty-four passenger bus to traverse without having to back up, and it shortened the amount of time the students living on Hilltop Lane, Zapf Court and South Middlebush had to be on the bus. (R034.)

By letter dated October 21, 2022, the Board affirmed its position that using the route proposed by the petitioners would be an “unnecessary safety hazard” because Hilltop Lane was a dead-end street and the bus would have to use the Zapf Court cul-de-sac to turn around to get back onto South Middlebush Road. (R033.)

By memo dated October 7, 2023, the petitioners notified the Board that their daughter was the victim of discrimination related to the bus route because other students were permitted to get off at Hilltop Lane, but C.K. was not. (R029.)

TESTIMONY

For petitioner:

C.K. (K.) is the mother of minor child C.K. From 2016 through 2018, the bus driver assigned to the route, would drop her daughter off on Hilltop Lane. C.K. was homeschooled in 2020–21 due to COVID. In 2022, when C.K. returned to school, she, along with five other students living in the area, was again dropped off on Hilltop Lane, and the bus went around the Zapf Court cul-de-sac. However, this practice stopped after a neighbor complained about the bus using the cul-de-sac. K. went to the transportation department and spoke with Mr. Orvyl Wilson, the Director of School Management, who said he would investigate. He later told her by letter that C.K. could not get off at a cul-de-sac.

In September 2023, she saw other buses use the cul-de-sac and turn left onto South Middlebush Road. However, this stopped for C.K.'s bus on October 5, 2023, and has resulted in her daughter being on the bus for upwards of two hours alone with the bus driver. This was unreasonable. The ride to school was thirteen minutes but the ride home was two hours. There were other buses that dropped off students on Hilltop Lane. Zapf Court was a viable option because it was a large cul-de-sac used by large construction trucks during the construction of South Middlebush Road. Students on the bus with C.K. have called her Rosa Parks. Stallings offered an alternative route but was unable to provide details of the route when asked.

The student who got onto the TEECS bus first in the morning was the first stop in the afternoon. However, this was not the case for C.K. She was the last student picked up in the morning and the last student dropped off in the afternoon. This was dissimilar treatment. In addition, the Board allowed buses to drop off students at Green Hill Manor, a cul-de-sac.

R.K. is C.K.'s father. He was concerned about his daughter's safety. There was no sidewalk, crossing guard or police so he went out each day to ensure that she got off the bus safely. Hilltop Lane was a safe cul-de-sac for the bus to use. The current afternoon route had the bus leave TEECS, pass by Hilltop Lane and go into Princeton just to turn around to come back to Somerset. This was unreasonable.

For the respondent

Donna Stallings (Stallings) is the Supervisor of Transportation for the respondent. She has worked in this position for two years and formerly was the Assistant Supervisor of Transportation for five years. She started in 2005 as a transportation specialist and has worked with parents and schools. She was trained in transporting children with disabilities; she used Transfinder, which is the software used to identify every home and apartment in the town. She also worked with the local police department in determining which streets were hazardous and in developing safe routes. She generated bus routes and bus passes, monitored all bus contractors and bus routes, and dealt with parents. She followed buses to ensure drivers drove safely and

followed the assigned route. She interacted with bus aides and bus drivers. Only her department or the superintendent could change a bus route. She worked for First Student bus company for ten years, starting as a dispatcher, then as a senior dispatcher and later as manager. She had a total of twenty-nine years of bus routing experience. She attended annual training on safety procedures and policies along with other bus company employees. She was accepted as an expert in public school transportation.

There were seven elementary, two middle schools, one high school, one vocational-technical school and several charter schools in the district. The Board transported approximately eight thousand students daily. C.K. got off at the curb of Hilltop Lane and South Middlebush Road. The Board's protocol did not permit buses to enter cul-de-sacs, courts or dead-end roadways unless they were transporting a special education student using a smaller bus. Bus drivers were not permitted to load or unload students in areas deemed unsafe. Board protocol also did not authorize bus drivers to change, edit or add bus stops to their routes. Stallings witnessed buses driving into undesignated cul-de-sacs, and she reported the bus driver to the bus company. After K. reported the route her daughter's bus was taking, Stallings followed the bus and discovered that it was being driven by a substitute who was unfamiliar with the designated route.

Stallings' primary concern was the safety of the students. In her professional opinion, it was not safe for a school bus to make a left turn off Hilltop Lane because visibility was poor, and it was unsafe for fifty-four passenger buses to use Zapf Court as a turnaround point because she witnessed tree branches going inside the bus windows. In addition, there was a risk of cars or delivery trucks blocking the cul-de-sac, making it difficult for the school bus to get out safely. None of the Board's routes permit a left turn onto Hilltop Lane. Buses were not permitted to do "K" turns, and reversing was to be avoided because both were deemed unsafe.

The students who were on the bus first in the morning were on the bus longer than C.K. Conversely, those same students were the first ones dropped off in the afternoon, and C.K. was on the bus longer in the afternoon. Stallings offered the petitioners an alternate route at the beginning of the current school year, but the

petitioners did not accept the offer. Currently, in the afternoon, C.K. was the next-to-the-last stop and was dropped off curbside on South Middlebush Road at the intersection of Hilltop Road. Green Hill Manor was not a cul-de-sac but rather a large area for the bus to turn around and get back onto Route 27.

ADDITIONAL FACTUAL FINDINGS

The finder of the facts must determine the credibility of the witnesses before making a decision. Credibility is the value that a fact finder gives to a witness' testimony. Credibility is best described as that quality of testimony or evidence that makes it worthy of belief. "Testimony to be believed must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observations of mankind can approve as probable in the circumstances." In re Estate of Perrone, 5 N.J. 514, 522 (1950). To assess credibility, the fact finder should consider the witness' interest in the outcome, motive, or bias; the accuracy of the witness' recollection; the witness' ability to know what s/he is talking about; the reasonableness of the testimony; the witness' demeanor when testifying; the witness' candor or evasion; and the presence of inconsistent or contradictory statements. A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958).

The fact finder must weigh the testimony of each witness and then determine the weight to give to it. Through this process, the fact finder may accept all of it, a portion of it or none of it. The K.s testified credibly about their frustration that the Board refused to honor a longstanding practice of allowing C.K. to be dropped off on her home street like other students and thus avoid a lengthy bus ride. For several years, C.K. was dropped off on Hilltop Lane, her home street, and thus was only on the bus for thirteen minutes going to school and returning home. The morning bus picked her up on the same side of the road. There is a blinking red light on South Middlebush Road, but many drivers ignore it, making the street hazardous for pedestrians. The afternoon bus let C.K. off on the opposite side of the road, which required her to cross South Middlebush Road, an

undisputed busy street, to get home. Recognizing the danger, one of the bus drivers in 2018 would turn onto Hilltop Lane to drop off C.K. and others and use the cul-de-sac on Zapf Court to get back onto South Middlebush Road.

However, that ended abruptly in 2022 when someone, possibly a neighbor, complained. In October 2023, C.K. was verbally informed that the bus would no longer turn onto Hilltop Lane, and she had to remain on the bus. This resulted in C.K.'s afternoon ride increasing to over an hour. Petitioners brought their concerns to the transportation department and the superintendent to no avail.

Petitioners were likewise earnest in their belief that a two-hour bus ride was excessive and unreasonable. They also expressed their angst that their daughter was racially ridiculed for being the last person on the bus in the afternoon.²

Similarly, Ms. Stallings testified credibly about the safety concerns surrounding having a bus stop at the busy intersection of South Middlebush Road and Hilltop Lane. She also explained the Board's practice of not sanctioning fifty-four-passenger buses to use cul-de-sacs as turnaround points and her efforts to monitor individual bus drivers and report such infractions to the bus company.

While I do not doubt the sincerity of the petitioners and their obvious motive to keep their daughter safe, I was more persuaded by the respondent's evidence showing that C.K. was not treated dissimilarly from other students. The bus route evidence reveals that many other students endure morning and afternoon bus rides that exceed one hour.

Based upon the testimonial and documentary evidence, I **FIND** the following as additional **FACTS**:

Franklin Township is 46.5 square miles and located at the crossroads of Middlesex, Mercer and Somerset counties. It is a rural community with unpaved

² The reference to Rosa Parks is an inaccurate analogy since Mrs. Parks was not the last person riding on the bus but rather refused to relinquish her seat on the bus.

sidewalks and farmland. The Board provides transportation for approximately eight thousand students who reside within its boundaries and attend public school. C.K. attends a public charter school that is within the boundaries of the Board. C.K. is eligible for and receives public transportation. The morning bus covers 19.13 miles and carries fifty-three students with a ride lasting approximately fifty-eight minutes. The evidence shows that the maximum student capacity was fifty-one.³ (R019.) The afternoon bus covers 26.13 miles and carries fifty-one students with a ride lasting approximately one hour and fourteen minutes. Again, the maximum student capacity is listed as fifty-one. (R024.) C.K. is on the morning bus for only thirteen minutes. However, her afternoon ride is more than one hour.

The afternoon bus route for students attending Central Jersey Charter Prep School, which is another charter school for which the Board provides transportation, is one hour and eleven minutes long, starting at 3:30 p.m. and ending at 4:41 p.m. (R006.) This route ends at the intersection of South Middlebush Road and Hilltop Lane. The written instructions for this route do not indicate a left turn onto Hilltop Lane. (R009.) There are forty-nine students on this bus. (Id.) The morning bus route for MacAfee Elementary School, an elementary school within the boundaries of the Board, starts with a stop on the corner of South Middlebush Road and Hilltop Lane, and the written instructions do not indicate a left turn onto Hilltop Lane. (R011.) The afternoon bus route from the MacAfee School ends at the corner of South Middlebush Lane and Hilltop Lane at 4:29 p.m. (R017.) There are forty students on this bus. (Id.) The written instructions do not indicate if the bus is to make any turns onto Hilltop Lane but merely say to “[c]ontinue northeast on S. Middlebush Road 0.07mi.” (Id.)

The morning route for TEECS, which is C.K.’s bus, picks up the first student at 6:32 a.m. and arrives at the school at 7:30 a.m., which is two minutes shy of an hour. The morning bus picks up C.K. at South Middlebush Road and Hilltop Lane, and the written instructions do not indicate a left turn onto Hilltop Lane. (R023.) The afternoon route for TEECS leaves at approximately 2:35 p.m. and arrives at the last stop, which is

³ Assuming this document is correct, this bus is overcrowded and the respondent needs to consider other options.

South Middlebush and Hilltop Lane, at approximately 3:59 p.m. (R028.) The written instructions say, “same side.” (Id.)

Pictures show that Hilltop Lane is a dead-end street that feeds into April Lane in an “L” shape to the right. (R047.) There is another small street off Hilltop Lane called Zapf Court, which ends in a cul-de-sac. (R042; R045.) The petitioners proposed that the afternoon bus turn onto Hilltop Road from South Middlebush Road and use the cul-de-sac on Zapf Court to turn around and get back onto South Middlebush Road.

The respondent provided a document used to inform bus contractors and drivers of the protocols for driving buses in the school district. (R-8.) The respondent did not provide a copy of the Board’s policy on transporting students.

The bus pass for the 2021–2022 school year indicates that the afternoon bus for C.K. was to stop at South Middlebush Road and Hilltop Lane “same side” at 3:01 p.m. (P-4.) This bus pass also prohibited bus drivers from altering bus routes. (Id.)

Green Hill Manor is an apartment complex that has a bus stop. There is a main entrance that leads to a cul-de-sac, as that word is generally defined⁴, where the bus can turn around and exit onto Route 27.

LEGAL ANALYSIS AND CONCLUSION

This controversy questions whether the Board’s refusal to allow C.K. to be dropped off at Hilltop Lane after school was arbitrary, capacious or unreasonable. The local board of education is responsible for providing transportation to all public school students residing within its boundaries who live more than two miles from their public school of attendance (for elementary students) and two and one-half miles (for secondary students). N.J.S.A. 18A:39-1. N.J.A.C. 6A:27-1.12(b) and (c) provide:

⁴ A cul-de-sac is a street, lane, etc., closed on one end; a blind alley; a dead-end street. Dictionary.com located at <https://www.dictionary.com/browse/cul%20de%20sac>

- (b) District boards of education shall provide transportation pursuant to N.J.S.A. 18A:39-1 et seq., and shall adopt policies and procedures governing the transportation of students to and from school and school-related activities.
- (c) District boards of education shall adopt policies to ensure that all transportation provided to resident students is done in compliance with all State and Federal laws and regulations.

Transportation of charter school students is governed by N.J.A.C. 6A:27-3.1 et seq. and mandates that transportation or aid in lieu of transportation must be provided to charter school students. More specifically, “[t]he resident district board of education shall be responsible for the transportation of students to and from a charter school or renaissance school project.” N.J.A.C. 6A:27-3.1(b). Charter school students must be provided with transportation in the same manner as is provided to other public school students residing within the school district in which the charter school student resides. N.J.A.C. 6A:27-3.1(d). In addition, transportation for charter school students must be on the same terms and conditions as transportation for students attending other public schools located within the district in which the charter school student resides. N.J.A.C. 6A:27-3.3.

The petitioners herein assert that their daughter did not receive transportation on the same terms and conditions as other students. In 2016, 2018 and 2019, the petitioners assert that C.K. was dropped off on Hilltop Lane, but this stopped in October 2022. However, other students from other public schools, including other charter schools, continued to be dropped off on Hilltop Lane. In response, Ms. Stallings testified that individual bus drivers may have made this accommodation, but changing the route was not sanctioned by her office. Indeed, the 2016, 2018–19, and 2021–2022 bus passes explicitly state: “[s]tudents are to be picked up and discharged at assigned stops only; drivers are not allowed to relocate bus stops.” (P4, Petitioners’ Pet., email date January 27, 2024.) To further underscore that the buses were not permitted to make a left turn onto Hilltop Lane, the written instructions for the route and the bus pass listed the bus stop as South Middlebush Road and Hilltop Lane “same side.” (P-4, R028.)

Ms. Stallings stated that during the 2023–24 school year, she followed a bus that turned onto Hilltop Lane and told the driver that turning into cul-de-sacs was improper. Ms. Stallings testified that she also saw bus drivers from other bus companies turn onto Hilltop Lane from South Middlebush Road. On one occasion, she stopped the bus, identified herself, and told the driver, who was a substitute driver, that the bus was not supposed to turn onto Hilltop Lane. Ms. Stallings said she then called the bus company’s dispatcher to report the error.

Determinations by boards of education are presumed correct unless arbitrary, capricious, or unreasonable, and their factual determinations must be accepted if supported by substantial credible evidence. Thomas v. Bd. of Educ. of the Twp. of Morris, 89 N.J. Super. 327, 332 (App. Div. 1965), aff’d, 46 N.J. 581 (1966). Thus, in order to prevail, those challenging a decision made by a board of education “must demonstrate that the Board acted in bad faith, or in utter disregard of the circumstances before it.” G.H. & E.H. ex rel. K.H. v. Bd. of Educ. of the Bor. of Franklin Lakes, EDU 13204-13, Initial Decision (February 24, 2014) (citation omitted), adopted, Comm’r (April 10, 2014) <http://njlaw.rutgers.edu/collections/oal/>.

The Commissioner will not substitute his judgment for that of a board of education, whose exercise of discretion may not be disturbed unless shown to be “patently arbitrary, without rational basis or induced by improper motives.” Kopera v. W. Orange Bd. of Educ., 60 N.J. Super. 288, 294 (App. Div. 1960). Our courts have held that “[w]here there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration, even though it may be believed that an erroneous conclusion has been reached.” Bayshore Sewage Co. v. Dep’t of Env’t Prot., 122 N.J. Super. 184, 199–200 (Ch. Div. 1973), aff’d, 131 N.J. Super. 37 (App. Div. 1974). Thus, to prevail, the petitioners must demonstrate that the Board acted in bad faith, or in utter disregard of the circumstances before it. T.B.M. v. Moorestown Bd. of Educ., EDU 2780-07, Initial Decision (February 6, 2008), <http://njlaw.rutgers.edu/collections/oal/> (citing Thomas v. Morris Twp. Bd. of Educ., 89 N.J. Super. 327, 332 (App. Div. 1965), aff’d, 46 N.J. 581 (1966)). It is a weighty burden, one which I **CONCLUDE** these petitioners have not met. This record has presented me

with no evidence that would suggest that the actions of this Board, or its personnel, were taken in bad faith or in utter disregard of the circumstances presented.

Turning to the specific facts of this case, regardless of what happened in previous school years, starting on October 5, 2023, the Board notified C.K. that she could no longer get off on Hilltop Lane in the afternoon. This notice was put into writing to the petitioners on October 4, 2024, and affirmed on October 21, 2024. Indeed, current bus routes show that the Board does not permit any of the contracted school buses to make a left turn onto Hilltop Lane because the Board believes it is not safe due to the busy traffic on South Middlebush Lane. The Board's practice is to pick up and drop off students curbside.

The petitioners contest this decision and assert that this practice is inconsistent because other buses are continuing to make this turn. However, the respondent provided testimony from Ms. Stallings that neither the respondent nor the First Student bus company condoned or encouraged this defiance. When she became aware of these violations, she took affirmative steps to address them. In fact, part of her job duties was to monitor bus drivers and report any violations. The evidence revealed that none of the bus routes created by Ms. Stallings allowed a bus to make a left turn onto Hilltop Lane. This was not disputed by the petitioners. Thus, I **FIND** that the evidence does not support petitioners' allegation that the respondent acted unreasonably, arbitrarily or capriciously by refusing to alter C.K.'s bus route to allow a bus stop on Hilltop Lane.

The petitioners also assert their daughter is being treated differently because she is the last student picked up in the morning and the last student dropped off in the afternoon. It is undisputed that C.K. has a longer ride in the afternoon; however, the evidence showed there are several routes in addition to C.K.'s route, where the ride exceeded one hour one way. For example, the morning ride to the Central Jersey Charter Prep School is one hour and one minute. (R001.) The afternoon ride is one hour and eleven minutes. (R006.) Indeed, students riding this bus do not arrive home until nearly 5:00 p.m. In contrast, K. testified that C.K. arrives home at approximately

4:08 p.m. This is certainly not ideal, but it shows that C.K. is not being treated differently.

Petitioners also find fault with the transportation department's decision to create a bus stop in Green Hill Manor, an apartment complex, but not allow a bus stop on Hilltop Lane or allow the buses to use the cul-de-sac in Zapf Court. The petitioners contend that Green Hill Manor has a cul-de-sac. The students are dropped off at the welcome center, and the bus uses the cul-de-sac to leave. The respondent counters that it is not a cul-de-sac but rather a large open space that is more conducive for the large buses to maneuver.

According to Dictionary.com, a "cul-de-sac" is a street, lane or road that is closed on one end; a dead-end street. According to the map, Green Hill Manor fits that description. (R050.) There is a common entrance and exit and a circular area where vehicles can turn around to get back onto Route 27. There are also side streets off Green Hill Manor, as Ms. Stallings testified. Similarly, Harrison Towers, a high-rise apartment complex and approved school bus stop, also appears to have a cul-de-sac that the respondent does not find objectionable. (R053.) The difference between these locations and Zapf Court is that Ms. Stallings observed a hazardous condition when the school bus used the cul-de-sac on Zapf Court, namely tree branches that went inside the bus windows as the bus made the turn. Local boards of education are given broad discretion to "make reasonable classifications for furnishing transportation taking into account differences in the degree of traffic and other conditions existing in the various sections of the district." Buonocore v. Hillsdale Bd. of Educ., 92 N.J.AE.2d (EDU) 655, 658 (internal citations and quotation marks omitted). Accordingly, I **CONCLUDE** that the petitioners have not met their burden to demonstrate that the Board's decision to deny the petitioners' request to allow the school buses to turn onto Hilltop Lane was arbitrary, capricious or unreasonable.

ORDER

Based upon the foregoing, I hereby **ORDER** that the petition is **DISMISSED**.

I hereby **FILE** this initial decision with the **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Acting Commissioner of the Department of Education does not adopt, modify, or reject this decision within forty-five days, and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **ACTING COMMISSIONER OF THE DEPARTMENT OF EDUCATION**. Exceptions may be filed by email to ControversiesDisputesFilings@doe.nj.gov or by mail to Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500. A copy of any exceptions must be sent to the judge and to the other parties.

March 7, 2025

DATE



KIM C. BELIN, ALJ

Date Received at Agency:

Date Mailed to Parties:

KCB/am

APPENDIX

Witnesses

For petitioners:

C.K.

R.K.

For respondent:

Donna Stallings

Exhibits

For petitioner:

P-1 Not admitted

P-2 Not admitted

P-3 Not admitted

P-4 Bus pass for 2021–22

For respondent:

R-1 Bus route for CJCP.012

R-2 Bus route for CJCP.112

R-3 Bus route for MAC.010J

R-4 Bus route for MAC.110J

R-5 Bus route for TEC.005

R-6 Bus route for TEC.105

R-7 Memo, dated October 7, 2023, and letters, dated October 4, 2022, October 21, 2022, and October 12, 2022

R-8 Statements of transportation protocols

R-9 Google maps of Hilltop Lane, South Middlebush Road, Zapf Court, April Lane, Green Hill Manor Drive, and Harrison Towers

R-10 Resume for Donna Stallings