

#173-12 (OAL Decision: Not yet available online)

ROBERTA RODRIGUEZ, :
PETITIONER, : COMMISSIONER OF EDUCATION
V. :
NEW JERSEY STATE DEPARTMENT 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 et seq. after an alleged incident in which a child was left on her school bus in July 2011. Petitioner did not deny that the student was left on the bus, but contended that she had relied on the bus aide’s representation that the bus was empty at the end of the route.

The ALJ found, *inter alia*, that: petitioner failed to discover that a child remained on her bus, notwithstanding her obligation under *N.J.S.A.* 18A:39-28 to properly inspect the bus at the end of her route; petitioner unreasonably relied on the representation of her bus aide that the bus was empty, despite her statutory obligation to visually inspect the bus and the fact that she admitted that she had not observed her bus aide walk the aisle and perform the mandated visual inspection of the bus either. Accordingly, the ALJ upheld the Department’s decision to suspend petitioner’s “S” endorsement for a period of six months.

Upon full review and consideration of the record, the Commissioner concurred with the findings and determinations of the ALJ. 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.

May 3, 2012

OAL DKT. NO. EDU 9396-11
AGENCY DKT. NO. 196-7/11

| | | |
|-----------------------------|---|---------------------------|
| ROBERTA RODRIGUEZ, | : | |
| | : | |
| PETITIONER, | : | COMMISSIONER OF EDUCATION |
| V. | : | |
| | : | DECISION |
| NEW JERSEY STATE DEPARTMENT | : | |
| OF EDUCATION, CRIMINAL | : | |
| HISTORY REVIEW UNIT, | : | |
| | : | |
| RESPONDENT. | : | |

The petitioning bus driver appeals respondent’s decision to suspend the “S” endorsement to her driver’s license, which suspension was in consequence of a July 12, 2011 incident in which petitioner left a child on her bus at the end of her route. Upon full and independent review of the record, the Commissioner adopts the Initial Decision of the Office of Administrative Law for precisely the reasons articulated by the Administrative Law Judge.

Accordingly, the petition is dismissed and the suspension is upheld. 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 “S” endorsement on her driver’s license for six months and to notify petitioner’s employer that she 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: May 3, 2012

Date of Mailing: May 4, 2012

¹ 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*).