

New Jersey Commissioner of Education

Final Decision

Department of Children and Families,

Petitioner,

v.

R.R.,

Respondent,

and

Robert Rodriguez,

Petitioner,

v.

New Jersey Department of Education,

Criminal History Review Unit,

Respondent.

Synopsis

In this consolidated case, petitioner – a school bus driver – appealed a finding of neglect by the Department of Children and Families (DCF), and a determination by the NJ Department of Education, Criminal History Review Unit (now known as the Office of Student Protection or OSP), imposing a six-month suspension of petitioner’s school bus license stemming from a 2017 incident wherein the petitioner parked and locked the school bus without checking to see if any children remained onboard at the end of his shift. Petitioner’s negligence resulted in an 8-year-old child being left unsupervised on the bus for nearly two hours.

The ALJ found, *inter alia*, that: there was no dispute, under the totality of the circumstances, that the student never reached his destination on the day of the incident and was found by a third party locked on the bus after 5:00 pm, well after his normal drop off time; accordingly, DCF’s determination of established neglect was upheld. Regarding the suspension of petitioner’s school bus license, a 6-month suspension was not warranted given that petitioner has not had a valid bus driver “S” endorsement since this matter was initiated more than 4 years ago, and – while technically a 6-month suspension should have been imposed – petitioner has already endured a “de facto” suspension of his bus license for more than 4 years and any further suspension would be fundamentally unfair and penalize him twice for the same violation.

Upon review, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter, as petitioner has already served the mandatory suspension of his school bus “S” endorsement.

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.

93-23

OAL Dkt. Nos. HSV 01772-18 and EDU 06479-18 (consolidated)

DCF Dkt. No. AHU 17-0799

Agency Dkt. No. 73-3/18

## New Jersey Commissioner of Education

### Final Decision

Department of Children and Families,

Petitioner,

v.

R.R.,

Respondent,

and

Robert Rodriguez,

Petitioner,

v.

New Jersey Department of Education, Criminal  
History Review Unit,<sup>1</sup>

Respondent.

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed, as have the exceptions filed by respondent New Jersey Department of Education, Office of Student Protection (OSP) pursuant to *N.J.A.C. 1:1-18.4*, and the petitioner's reply thereto.

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<sup>1</sup> The Criminal History Review Unit is now known as the Office of Student Protection. This decision will use Office of Student Protection for consistency.

This consolidated action stems from an incident in which petitioner, a bus driver for the Hoboken School District, left a student on the bus on May 31, 2017. Petitioner parked and locked the school bus at the end of his shift and, approximately two hours later, another district employee found an eight-year-old child on the school bus. The Department of Children and Families (DCF), Institutional Abuse Investigation Unit investigated and established that petitioner's conduct constituted "Neglect/Inadequate Supervision." Additionally, OSP sent a letter dated March 9, 2018, indicating that petitioner's "S" endorsement to operate a school bus would be suspended for 6 months because petitioner had failed to conduct a visual inspection at the end of his transportation route as required by *N.J.S.A. 18A:39-28 et seq.* Petitioner challenged the DCF finding of child neglect and filed a petition of appeal with the Department challenging the suspension of his "S" endorsement to operate a school bus. The matters were consolidated at the OAL as they both stemmed from the same incident. DCF was determined to have the predominant interest as to the finding of neglect, and the Commissioner has jurisdiction to decide the remaining education issue involving the suspension of the "S" endorsement.<sup>2</sup>

The Administrative Law Judge (ALJ) upheld DCF's determination of established neglect. With respect to the bus driver "S" endorsement, the ALJ found that a 6-month suspension was not warranted given that petitioner has not had a valid bus driver "S" endorsement since the education matter was initiated more than 4 years ago. The ALJ explained that the pandemic caused extensive, unprecedented delays in this case, and petitioner has certified and testified that he could not utilize his "S" certification throughout the pendency of this matter because he

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<sup>2</sup> The education matter was placed on the inactive list while the DCF matter proceeded with testimony. After the completion of the DCF matter, the education matter proceeded by way of summary decision.

was prevented from having his fingerprints taken, which is required to operate a school bus. As such, the ALJ found that while technically a 6-month suspension should be imposed, petitioner has already endured a “de facto” suspension of his “S” endorsement for more than 4 years and any further suspension would be fundamentally unfair and penalize him twice for the same violation.

In its exceptions, OSP argues that the School Bus Safety Act (Act), *N.J.S.A. 18A:39-26 to -33*, requires bus drivers to visually inspect the school bus to ensure that no child has been left on the bus. The Act leaves no discretion and imposes a mandatory 6-month suspension for the first offense of leaving a child on the bus. *N.J.S.A. 18A:39-29*. OSP contends that the statute does not permit further inquiry into a petitioner’s personal circumstances. As such, OSP requests that the Initial Decision be rejected.<sup>3</sup>

In reply, petitioner argues that he has already served well more than a 6-month suspension of his “S” endorsement as he has been subject to a “de facto” suspension of not less than 5 years. As such, he urges the Commissioner to adopt the Initial Decision.

Upon review, the Commissioner finds that petitioner failed to inspect the bus at the end of his route as required, which resulted in a student being left on the bus for approximately two hours. The Commissioner further concludes that *N.J.S.A. 18A:39-29* mandates a six-month suspension of petitioner’s school bus endorsement as this was his first offense. However, the Commissioner finds that given the specific circumstances in this matter, in which petitioner has been unable to obtain a valid “S” endorsement for at least the past 4 years while this matter was pending, the petitioner has effectively already served his 6-month suspension. The

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<sup>3</sup> OSP also argues that the Department did not violate petitioner’s due process rights by blocking him from getting fingerprinted; if petitioner was prevented from having his fingerprints taken, it was not due to any action of the Department. The Commissioner agrees that petitioner’s due process rights were not violated.

Commissioner finds that, given the unique circumstances in this case, the suspension petitioner has already served is sufficient to meet the statutory requirement.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter. The petitioner has already served the mandatory suspension of his school bus "S" endorsement.

IT IS SO ORDERED.<sup>4</sup>

  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 30, 2023

Date of Mailing: March 31, 2023

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<sup>4</sup> 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**

**DEPARTMENT OF CHILDREN  
AND FAMILIES,**

OAL DKT. NO. HSV 01772-18  
AGENCY DKT. NO. AHU#19

Petitioner,  
v.

**R.R.,**  
Respondent.

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**ROBERT RODRIGUEZ,**

OAL DKT. No. EDU 06479-18  
AGENCY DKT. No. 73-3/18

Petitioner,  
v.

**NEW JERSEY DEPARTMENT OF  
EDUCATION, CRIMINAL HISTORY  
REVIEW UNIT,**  
Respondent.

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**Joann M. Corsetto**, Deputy Attorney General, for Petitioner (Michael J. Platkin,  
Acting Attorney General of New Jersey, attorney)

**Paul Tyschchenko**, Esq., for Respondent (Caruso Smith Picini, attorneys)

Record Closed: February 22, 2020

Decided: April 5, 2022

BEFORE **ANDREW M. BARON**, ALJ:

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

Petitioner, Department of Children and Families (DCF), seeks an Initial Decision affirming its finding that established neglect against R.R., a school bus driver who, after completing his daily route, returned the bus and locked it with a minor still on board, leaving the child with no means of getting off the bus.

DCF transmitted the contested case pursuant to N.J.S.A. 52:14B-1 to 15 and N.J.S.A. 52:14f-1 TO 13, to the Office of Administrative Law (OAL), where it was filed on September 27, 2019. EDU 06479-18 was also transmitted and subsequently consolidated by the Office of Administrative Law since both matters arose from the same incident.

A hearing was held on May 10, 2019. Post hearing submissions were filed, and oral argument was held on February 22, 2020.

**ISSUE**

Whether there is sufficient credible evidence to sustain a finding of Established for child neglect by Respondent upon J.S., pursuant to N.J.S.A. 9:6 et seq., as determined the Department of Children and Families (DCF). The specific allegations against R.R. is that while transporting J.S. to an after school activity, he parked and locked the bus to its designated area after completing his duties for the day, without checking to see that J.S. was still on the bus, which had been locked.

Also to be determined is whether petitioner's school bus driving privileges under the jurisdiction of the Department of Education should be suspended for a period of one hundred eighty, (180) days, as a result of the related finding of Established neglect.

## **SUMMARY OF RELEVANT TESTIMONY**

### **Petitioner's Case**

Irek Taflinski testified as follows:

Mr. Taflinski works as a Senior Investigator in the Institutional Abuse Investigation Unit (IAIU) with the Department of Children and Families (DCF) and has been in this position for fourteen years. Prior to that he was a supervisor with the DCF Institutional Abuse Investigation Unit. He was assigned to investigate the incident involving R.R., a school bus driver with the Hoboken School District which occurred on May 31, 2017. In addition to speaking with the Hoboken Police Department, and school officials, Mr. Taflinski spoke with J.S.'s mother and several students who ride the bus with J.S.

Mr. Taflinski prepared an Investigative Summary (P-3) regarding his investigation. Hoboken Public Schools also did a Report of Incident. (P-9). Other evidence considered was the Weather History for 5/31/17, (P-4), Certification of Documents, (P-6), the Hoboken Transportation Employee Manual, (P-7), and the Hoboken Police Investigation Report, (P-10). Also considered was the DCF IAIU Findings Report dated 9/22/17.

According to his testimony, after meeting with the Hoboken Police Department, Mr. Taflinski went to the area where the bus was usually parked at the end of each day and met with the coach and a group of students who play softball on a field adjacent to where the bus is parked.

The coach, whose name was Vincent Johnson, told Mr. Taflinski that there was a foul ball that rolled over near where the bus was parked, and that he and some of the players noticed that there was actually someone still inside the bus. After seeing the individual, Mr. Johnson and his assistant coach immediately opened the door and got the child off the bus. The time was around 5:15 PM. It is unknown how long the bus



was there with J.S. on it before they discovered him. In addition to the people at the field near where the bus was parked, Mr. Taflinski interviewed J.S.

J.S. told him he remembered getting on the bus, he sat in the back and he remembered falling asleep, he woke up and there was no one else on the bus, including the driver. He also remembered that he wasn't dropped off by the driver that day at his usual after school location. This is a critical issue in the case that is undisputed, that J.S. was never dropped off by petitioner at his usual stop that day.

The investigator Mr. Taflinski interviewed R.R. R.R. swore that he walked from the front to the rear of the bus and then back again, checking side-to-side to make sure everyone was off the bus. Mr. Taflinski said he went to see the bus himself, and in his opinion, there was no way a child could hide underneath one of the bus seats, because of the metal brackets that support the seats which are attached to the floor. He further stated during his testimony that it would be virtually impossible to miss a young child still sitting on the bus, particularly if they were the only one remaining.

Mr. Taflinski also interviewed several of the other students, age 8 who rode the bus. At least three of them confirmed that J.S. frequently falls asleep and that R.R. has to wake him up when they reach his destination.

### **LEGAL ANALYSIS AND CONCLUSION**

N.J.S.A. 9:6-8.21(c)(4) defines a neglected child less than 18 years old, whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent or guardian, as herein defined, a school bus driver to exercise a minimum degree of care ... in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court."

In N.J.S.A. 9:6-8.21(a) the definition of parent or guardian includes a teacher, employee, or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution regardless of whether or not the person is responsible for the care or supervision of the child. So in this case, R.R., in his capacity as a school bus driver, would fall into this category.

N.J.A.C. 10:129-1.3 similarly defines a "parent or guardian" as "any birth parent, adoptive parent, resource parent, stepparent, paramour, or any person, who has assumed responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care" including "a teacher, employee or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution regardless of whether or not the person is responsible for the care or supervision of the child" and "a teaching staff member or other employee, whether compensated or uncompensated, of a day school as defined in N.J.S.A. 9:6-8.21." Clearly R.R. also falls within this definition

N.J.A.C. 10:7-3(c) the four possible findings regarding an allegation of child abuse or neglect, as follows:

1. An allegation shall be "substantiated" if the preponderance of the evidence indicates that a child is an "abused or neglected child" as defined in N.J.S.A. 9:6-8.21 and either the investigation indicates the existence of any of the circumstances in N.J.A.C. 3A:10-7.4 or substantiation is warranted based on consideration of the aggravating and mitigating factors listed in N.J.A.C. 3A:10-7.5.
2. An allegation shall be "established" if the preponderance of the evidence indicates that a child is an "abused or neglected child" as defined in N.J.S.A. 9:6-8.21, but the act or acts committed or omitted do not warrant a finding of "substantiated" as defined in (c)1 above.
3. An allegation shall be "not established" if there is not a preponderance of the evidence that a child is an abused or neglected child as defined in N.J.S.A. 9:6-8.21, but evidence indicates that the child was harmed or was placed at risk of harm.

4. An allegation shall be "unfounded" if there is not a preponderance of the evidence indicating that a child is an abused or neglected child as defined in N.J.S.A. 9:6-8.21, and the evidence indicates that a child was not harmed or placed at risk of harm.

The burden of proof in these matters lies with Respondent in this matter. N.J.S.A. 9:6-8.46(a)(4) states: In a fact-finding hearing (1) any determination that the child is an abused or neglected child must be based on a preponderance of the evidence and (2) only competent, material and relevant evidence may be admitted. See also N.J. Div. of Youth and Family Servs. v. P.W.R., 205 N.J. 17, 32 (2011).

The standard for determining if a parent or guardian has failed to exercise a minimum degree of care is to be evaluated against the dangers and risks associated with the situation. See: G.S. v. Dept. of Human Services, 157 N.J. 161, (1999).

Though petitioner argues J.S. was found safe and unharmed, actual harm does not need to occur in order establish that neglect occurred. See: N.J. Dept. of Children and Families v. R.R. 436 N.J. Super 53,59 (App. Div. 2014). The finding in R.R. affirmed a conclusion of willful and wanton disregard by a school bus driver who failed to inspect the bus personally at the end of the route that day because she relied on a bus aide's statement that no children remained on the bus.

The criteria analogous to the situation in this case was discussed at length in the matter of N.J. Dept. of Children & Families v. E.D.-O 434 N.J. Super. 154,157, (App. 2014) wherein a parent left a child in a vehicle for five to ten minutes. The conclusion in ED-O, found that "a parent invites substantial peril when leaving a child of such tender years in a motor vehicle that is out of a parent's sight, no matter how briefly."

When witnesses present conflicting testimonies, it is the duty of the trier of fact to weigh each witness's credibility and make a factual finding. In other words, credibility is the value a fact finder assigns to the testimony of a witness, and it incorporates the overall assessment of the witness's story in light of its rationality, consistency, and how it comports with other evidence. Carbo v. United States, 314 F.2d 718 (9th Cir.

1963); see Polk, supra, 90 N.J. 550. Credibility findings “are often influenced by matters such as observations of the character and demeanor of witnesses and common human experience that are not transmitted by the record.” State v. Locurto, 157 N.J. 463 (1999). A fact finder is expected to base decisions of credibility on his or her common sense, intuition or experience. Barnes v. United States, 412 U.S. 837, 93 S. Ct. 2357, 37 L. Ed. 2d 380 (1973).

The finder of fact is not bound to believe the testimony of any witness, and credibility does not automatically rest astride the party with more witnesses. In re Perrone, 5 N.J. 514 (1950). Testimony may be disbelieved but may not be disregarded at an administrative proceeding. Middletown Twp. v. Murdoch, 73 N.J. Super. 511 (App. Div. 1962). Credible testimony must not only proceed from the mouth of credible witnesses but must be credible in itself. Spagnuolo v. Bonnet, 16 N.J. 546 (1954).

Respondent argues that most of the evidence the agency relied upon to reach its finding that neglect was Established should be disregarded as Hearsay, and under the residuum rule, there is insufficient evidence to sustain the agency’s finding.

Citing Weston v. State 60 N.J. 36 (1972), Respondent contends that the State’s case is almost entirely based on hearsay testimony, and, as such, its primary witness, Mr. Taflinski, has no first-hand knowledge of any of the facts. He argues that his testimony consists of what other people told him, specifically, L.S., the local police, the softball coach, the other students and the players at the scene. Thus, he argues the State’s case is completely based on hearsay. Nonetheless, even if less weight were given to some of the admissible statements that the investigator relied upon, **IT IS UNDISPUTED**, under the totality of the circumstances, that J.S. never reached his destination on the day of the incident, and he was found by third parties on a locked bus sometime after 5:00 o’clock on the day of the incident, well after the normal drop off time for a student of his age.

I next turn to to the second issue in the case which is the imposition of a one hundred-eighty (180) day suspension of his school bus driving privileges ,Even if some

or all the hearsay is a basis to support a claim of neglect against R.R., petitioner further argues that the incident itself does not give rise to either a finding of gross negligence or recklessness on the part of R.R. A first time offense of this nature carries with it a maximum penalty of six months. **IT IS UNDISPUTED** that Respondent was already suspended by the Bayonne District for at least a year. **THEREFORE, WHILE I CONCLUDE** a suspension is appropriate, **I FURTHER CONCLUDE** it would be unfair, unjust and excessive to impose an additional six month penalty against him, having already been unable to drive a school bus for over a year. **Thus**, the driving penalty portion against petitioner should not be imposed, since for all intents and purposes, he has already served his time for this offense.

While I agree with the second part of Respondent's argument that he has already been sufficiently punished by having his driving privileges suspended by Bayonne, for the neglect itself, **I CANNOT CONCLUDE** that leaving J.S. on the bus at the end of the driver's route, parking and locking the bus, is only a simple act of negligence. Simply put, **I CONCLUDE** Respondent has failed to meet his burden. Respondent cites the unpublished opinion of Department of Children & Families v. M.A. 2011N.J. Super. Unpub. LEXIS 2917 (App. Div. 2011). The circumstances in that case involved a teacher who was leading a field trip and the bus stopped for lunch at a fast food restaurant. At the next stop, which was only two miles away from the restaurant, the teacher realized that two students who had caused a distraction just before the bus left, were inadvertently left in the restaurant.

Recognizing the inadvertent mistake, the teacher immediately called the restaurant within minutes, and learned the students were being cared for by restaurant staff until the bus returned shortly after to safely pick them up. The court in M.A. distinguished between grossly negligent conduct and negligent conduct by stating that, M.A.'s mistaken reliance on two teacher's assistants under the erroneous assumption that the child was being supervised does not equate to a highly probable danger and the conscious disregard for the consequences necessary to prove recklessness or gross negligence.

The facts and ultimate finding in M.A. are distinguished from this case. While the missing child in M.A. was located within a matter of minutes, in a public location where restaurant staff stepped in to care for the child until the bus returned, in this case, J.S. was left on a locked bus, in a remote area parked among other buses. The weather was warm, and he was perspiring when he was ultimately located by third parties who happened to be in the area of the bus playing softball.

Although R.R. says he followed District policy and checked up and down the bus before he locked it, there simply is no way this could have happened, it is not credible, as there is no place for a child to hide under a seat, even if he had checked. Further, this was a route that R.R. drove each day, and he also failed to recognize that he did not drop J.S. off at his designated after school stop. The combination of these factors is sufficient to give rise to a finding of gross negligence.

It is fortunate that some time after 5:00 P.M. on the day of the incident, two outsiders and their coach, who happened to be in the area of the parked bus, saw or heard J.S., and were able to immediately open the door to allow J.S. to exit the bus. While it is true he was unharmed, the potential for harm was great, as the bus was locked and the windows were closed. There is no indication that J.S. had his own cell phone which would have enabled him to contact his mother or someone else to let them know what was going on, and where he was. As a driver for young students, R.R. had almost the equivalent of a fiduciary obligation to make sure everyone was off the bus. There is no way to reach any other conclusion that he failed to do so.

Turning to penalty, by way of mitigation, the maximum statutory penalty for offenses of this nature is a one hundred eighty (180) day suspension of a commercial driving license. R.R. has no prior record of suspensions or penalties, and he was immediately and indefinitely suspended by the Bayonne School District from his driving responsibilities, long ago.

**I THEREFORE CONCLUDE**, by way of mitigation, that the one hundred eighty (180) day suspension period, normally associated with this type of case, has already

been served, by virtue of the suspension imposed by Bayonne, and therefore no further suspension is warranted.

R.R. had a statutory obligation to conduct a thorough visual inspection of the bus at the end of his route. See: N.J.S.A. 18A:39-28 which compels a school bus driver to visually inspect a bus at the end of a transportation route to determine if any students are still on board. And see: N.J.S.A. 18A:39-29 which requires a six month suspension of a school bus driver's endorsement if a driver has left a student on a school bus at the end of a driver's route.

Although R.R. says he fully inspected the bus before parking and locking it up, there simply is no way this could have occurred without seeing J.S. was sleeping somewhere towards the back of the bus. And, the undisputed fact that J.S. was never dropped off at his designated after school location, further calls R.R.'s testimony and credibility into question. **I THEREFORE CONCLUDE** the agency's finding that Neglect was Established was appropriate under the circumstances.

In the instant matter, **I CONCLUDE** the preponderance of the competent, material and relevant evidence sustains a finding of Established that R.R. neglected J.S

Based upon the foregoing, I **CONCLUDE** that finding of Established for Neglect of J.S. by Respondent, R.R., should be **AFFIRMED**. However, **I FURTHER CONCLUDE**, that the six month suspension associated with an individual's commercial driving privileges under N.J.S.A. 18:29-39 should not be assessed here, as R.R. has already served his time under this provision by virtue of the suspension imposed against him by the Bayonne School District shortly after the incident.

### **ORDER**

It is hereby **ORDERED** that the finding of Established for neglect of J.S. by Respondent, R.R., is **AFFIRMED**.

However, having determined that Respondent already served a penalty in excess of one hundred-eighty (180) days by virtue of the suspension by the Bayonne Board of Education, **IT IS FURTHER ORDERED**, that the suspension of school bus driving privileges is hereby **MODIFIED, and deemed served as Respondent already served a period of suspension in excess of one hundred eighty (180) days**, under the provisions of the suspension imposed by the Bayonne School District.

I hereby **FILE** this Initial Decision with **ASSISTANT COMMISSIONER OF LEGAL REGULATORY AND LEGISLATIVE AFFAIRS**.

This recommended decision may be adopted, modified or rejected by the **ASSISTANT COMMISSIONER OF LEGAL REGULATORY AND LEGISLATIVE AFFAIRS**, who/which by law is authorized to make the final decision on all issues within the scope of its predominant interest. If the (title of the agency head with the predominant interest) does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision on all of the issues within the scope of predominant interest 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 (**ASSISTANT COMMISSIONER OF LEGAL REGULATORY AND LEGISLATIVE AFFAIRS, DEPARTMENT OF CHILDREN AND FAMILIES, 50 East State Street, 5<sup>th</sup> Floor, PO Box 717, Trenton, New Jersey 08625-0717**), marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

Pursuant to N.J.A.C. 1:1-17.8, upon rendering its final decision **ASSISTANT COMMISSIONER OF LEGAL REGULATORY AND LEGISLATIVE AFFAIRS** shall forward the record, including this recommended decision and its final decision, to **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, which may subsequently render a final decision on any remaining issues and consider any specific remedies which may be within its statutory grant of authority.



Upon transmitting the record, **ASSISTANT COMMISSIONER OF LEGAL REGULATORY AND LEGISLATIVE AFFAIRS** shall, pursuant to N.J.A.C. 1:1-17.8(c), request an extension to permit the rendering of a final decision by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** within forty-five days of the predominant-agency decision. If **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** does not render a final decision within the extended time, this recommended decision on the remaining issues and remedies shall become the final decision.

April 5, 2022  
Date: \_\_\_\_\_

  
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**ANDREW M. BARON, ALJ**

April 5, 2022  
Date Received: at Assistant Commissioner  
Of Legal Regulatory and Legislative Affairs

Date Mailed to Parties: April 5, 2022

**APPENDIX**

List of Witnesses

For Petitioner:

Irek Taflinski

For Respondent:

None

List of Exhibits

Petitioner

- P-1- Initial screening summary 5-31
- P-2- Screening summary 6-16
- P-3- Investigation summary
- P-4- Weather history
- P-5- Photographs
- P-6- Hoboken Board of Ed. documents
- P-7- Student transportation manual
- P-8- Bus check
- P-9- Security incident report
- P-10- Police investigation
- P-11- IAIU findings

Respondent

- R-1- 9/30/17 email
- R-2- RR Morning and afternoon bus routes