

**New Jersey Commissioner of Education
Final Decision**

Isabel Castro-Hidalgo,

Petitioner,

v.

New Jersey Department of Education, Office of Student
Protection,

Respondent.

The record of this matter 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 petitioner violated *N.J.S.A. 18A:39-28* when a child was left on her bus after she concluded her transportation route.

Accordingly, the Initial Decision is adopted as the final decision in this matter and the petition of appeal is dismissed. Petitioner's "S" endorsement is hereby suspended for six months from the date of this decision. Respondent is directed to notify the Motor Vehicle Commission of its obligation to suspend petitioner's school bus endorsement pursuant to *N.J.S.A. 18A:39-26 et seq.*, and to notify petitioner's employer that she is ineligible during the period of suspension for continued employment as a school bus driver.

IT IS SO ORDERED.¹


COMMISSIONER OF EDUCATION

Date of Decision: May 8, 2025
Date of Mailing: May 9, 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

SUMMARY DECISION-DISMISSAL

OAL DKT. NO. EDU 00408-25

AGENCY REF NO. 366-11/24

ISABEL CASTRO-HILDAGO,

Petitioner,

v.

NEW JERSEY DEPARTMENT OF

EDUCATION, OFFICE OF

STUDENT PROTECTION,

Respondent.

Isabel Castro-Hildago, petitioner pro se

Luke Hertzell-Lagonikos, Esq., Deputy Attorney General for respondent (Matthew J. Platkin, Attorney General, State of New Jersey)

Record Closed: April 8, 2025

Decided: April 11, 2025

BEFORE **ELAINE B. FRICK**, ALJ:

STATEMENT OF THE CASE

Respondent, New Jersey Department of Education, Office of Student Protection (OSP), notified petitioner, Isabel Castro-Hildago (Castro-Hildago) that it intended to

suspend her “S” endorsement to drive a school bus due to Castro-Hildago having left a child on the bus. Castro-Hildago challenged the action, asserting she was distracted when she arrived at the school when staff members boarded the bus looking for another student, had another student disable the no student left behind alarm for her, drove to the bus yard and upon realizing there was a student on board, she immediately returned to the school and dropped off the child.

OSP filed a motion to dismiss in lieu of an answer, which has been converted to a summary decision motion. Castro-Hildago admits she did not visually inspect the bus before leaving the school and driving to the bus yard with the undiscovered child onboard. The motion must be granted in favor of OSP, as the applicable statutes mandate that if a school bus driver has not visually inspected the bus and leaves a pupil on the school bus at the end of the transportation route, the driver’s school bus endorsement shall be suspended for six months for a first offense.

PROCEDURAL HISTORY

OSP notified petitioner on October 30, 2024, that it intended to impose suspension upon her bus licensing due to leaving a child on the bus. Petitioner submitted her appeal request on November 6, 2024. The matter was transmitted to the Office of Administrative Law (OAL) on January 8, 2025, where it was filed to be heard as a contested case. N.J.S.A. 52:14B-1 to 14B-15 and N.J.S.A. 52:14F-1 to 14F-13.

A motion in lieu of answer was filed by OSP in response to Casto-Hildago’s petition for an appeal. During the initial pre-hearing telephonic conference with the parties, the DAG re-transmitted OSP’s motion to petitioner via email and a schedule was set for the submission of petitioner’s opposition to the motion and OSP’s reply motion filing. An email submission in opposition to the motion was made by petitioner. The DAG submitted written confirmation thereafter that there would be no further reply filed on behalf of OSP, relying upon their initial motion filing. The motion to dismiss in lieu of answer has been converted to a motion for summary decision, given that there are no material facts in dispute.

FACTUAL DISCUSSION AND FINDINGS

Based upon a review of the parties' motion submissions and the petition of appeal request by Castro-Hildago, I **FIND** as **FACTS** the following:

Castro-Hildago was employed as a bus driver for the Washington Township School District in Gloucester County. On October 10, 2024, petitioner arrived at a district school to drop off students for the start of their school day. Some staff members from the school boarded the bus, looking for a student, whom they removed from the bus. This distracted Castro-Hildago.

Castro-Hildago admittedly did not complete a visual check of the bus before she left the school. She asked an "older child" to "hit the button so the no child left behind alarm deactivate[d.]" (Petition of Appeal.) That child told Castro-Hildago there was no one "back there." (Petition of Appeal.)

Castro-Hildago proceeded to drive from the school to the bus yard, estimated to be approximately one mile from the school. At the bus yard, Castro-Hildago noticed the child behind her seat. She immediately drove back to the school with the student. When she arrived at the school, a staff member and the police were there to meet her. The child was dropped off at the school. She admittedly made "a terrible mistake" and does not want this incident to reflect negatively on her record.

DISCUSSION AND CONCLUSIONS OF LAW

In an administrative law matter, a "party may move for summary decision upon all or any of the substantive issues in a contested case." N.J.A.C. 1:1-12.5(a). The motion "shall be served with briefs and with or without supporting affidavits." N.J.A.C. 1:1-12.5(b). The judge may grant the motion if the documents and information filed, together with any submitted affidavits, "show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." Ibid. The non-moving party will prevail if they "set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding." Ibid.

The School Bus Safety Act contains a provision that a “school bus driver shall visually inspect the school bus to which he is assigned at the end of the transportation route to determine that no pupil has been left on the bus.” N.J.S.A. 18A:39-28. The “end of the transportation route” is not defined in the statutes encompassing the School Bus Safety Act. It has been declared by the Commissioner of Education in a final agency decision that the end of the route as used in the Act “terminates at the point where all of the children in that group leave the bus to enter their school and the bus is empty of riders, and before the driver moves on to her next route.” Klein v. Department of Education, Criminal History Review Unit, EDU 00852-2011, Commissioner decision (February 21, 2012).

The Commissioner has consistently affirmed their declaration that the end of the transportation route is where the students are to be discharged at their assigned destination. It is not the final location that is the end of the shift for the driver, such as after all assigned routes are completed, nor the final location that is the end of the workday for the driver, such as at the bus yard. See Arcos v. Department of Education, Criminal History Revision Unit, EDU 01752-2018, Initial Decision (November 7, 2018), adopted, Commissioner (September 20, 2018); Pedi v. Department of Education, Office of Student Protection, EDU 04317-2021, Initial Decision (October 13, 2021), adopted, Commissioner (November 18, 2021); and Severe v. Department of Education, Office of Student Protection, EDU 01502-2021, Initial Decision (September 19, 2022), adopted Commissioner (October 31, 2022).

The School Bus Safety Act imposes a mandatory penalty upon a school bus driver who has left a student on their bus at the end of the route. The driver must be provided notice and opportunity to be heard. If it is then determined that a student was left on the bus at the end of the bus driver’s transportation route, the driver’s school bus endorsement shall be “suspended for six months, for a first offense; or . . . permanently revoked, for a second offense.” N.J.S.A. 18A:39-29. There is no ability to circumvent this penalty by apology, or demonstrate that the driver was simply careless in their inspection or relied upon someone else to conduct the inspection, or if the student was unharmed or unaffected by having been left on the bus.

OSP seeks the entry of summary decision in its favor, to impose suspension upon Castro-Hildago's bus driver's "S" endorsement for a period of six months. OSP asserts that petitioner did not conduct her visual inspection of the bus at the end of her route and a child was still on the bus when she drove away from the school to the bus yard. Petitioner admittedly did not conduct a visual inspection at the school at the end of her route. She relied upon a student on the bus who told her there was no one "back there" and had that student shut off the no student left behind alarm. Petitioner admits there was a student still on her bus when she drove away from the school, whom she discovered when she arrived at the bus yard. The material facts to be applied to the law are thus not in dispute.

I **CONCLUDE** petitioner failed to perform a visual inspection of the bus at the end of her transportation route, which was at the school where the other students disembarked from the bus. I **CONCLUDE** that since Castro-Hildago did not conduct an inspection and a student was on her bus after she departed from the end of her transportation route, she has violated the School Safety Bus Act.

This is the first offense for Casto-Hildago. I **CONCLUDE** that the Act mandates the imposition of a penalty of a six month period of suspension upon Castro-Hildago's school bus driver's endorsement. I **CONCLUDE** that OSP's motion for summary decision shall be **GRANTED** and the petition for relief is **DISMISSED**.

ORDER

It is **ORDERED** that Castro-Hildago's bus driver "S" endorsement shall be suspended for a period of six months for petitioner having violated the School Bus Safety Act.

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

This recommended decision may be adopted, modified, or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the 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 **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.



April 11, 2025

DATE

ELAINE B. FRICK, ALJ

Date Received at Agency:

Date Mailed to Parties:

EBF/gd

APPENDIX OF MOTION SUBMISSIONS

- OSP's motion to dismiss in lieu of answer dated January 3, 2025
- Petitioner's email opposition, March 28, 2025
- OSP's submission April 8, 2025, affirming reliance upon motion papers filed