

202-26  
OAL Dkt. No. EDU 02334-26  
Agency Dkt. No. 017-01-26

**New Jersey Commissioner of Education**  
**Final Decision**

Todd Schug,

Petitioner,

v.

Gloucester Board of Education, Camden  
County,

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 lacks standing and that the petition must therefore be dismissed.

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.<sup>1</sup>



COMMISSIONER OF EDUCATION

Date of Decision: June 10, 2026  
Date of Mailing: June 10, 2026

---

<sup>1</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**

OAL DKT. NO. EDU 02334-26

AGENCY DKT. NO. 017-01-26

**TODD SCHUG,**

Petitioner,

v.

**GLOUCESTER BOARD OF EDUCATION,**

**CAMDEN COUNTY,**

Respondent.

---

**Todd J. Schug**, petitioner, pro se

**Emily E. Strawbridge**, Esq., for respondent (Parker McCay, P.A., attorneys)

Record Closed: April 7, 2026

Decided: April 28, 2026

BEFORE **SUSAN MCCABE**, ALJ:

**STATEMENT OF THE CASE**

On January 16, 2026, petitioner, Todd Schug, filed a petition of appeal on behalf of D.S., a minor. Schug is neither the parent nor the legal guardian of D.S. Must this petition be dismissed? Yes. To file a petition of appeal on behalf of a minor, the petitioner must be the parent or legal guardian of the minor. N.J.A.C. 6A:3-1.3(a)(2).

## **PROCEDURAL HISTORY**

On January 16, 2026, Schug appealed a decision to terminate D.S.'s school transportation issued by respondent, Gloucester Board of Education (Gloucester), to the Department of Education.

On February 10, 2026, the Office of Controversies and Disputes transmitted the case to the Office of Administrative Law as a contested case under the OAL Administrative Procedure Act. N.J.S.A. 52:14B-1 et seq.

On February 5, 2026, Gloucester filed a motion to dismiss instead of an answer. On March 26, 2026, Schug filed his opposition to the motion. On April 7, 2026, Gloucester filed its response, and on that date, I closed the record.

## **FINDINGS OF FACT**

Based upon the papers submitted in support of and in opposition to Gloucester's motion to dismiss, and assuming all the allegations contained in the petition of appeal are true, I **FIND** the following as **FACT** for purposes of this motion only:

D.S. lives with his mother in Gloucester Township and is enrolled in the Gloucester Township School District. Schug is D.S.'s uncle. Thus, he is not D.S.'s parent. He is not his legal guardian either. In short, Schug has no parental or guardianship rights over D.S. Nevertheless, Schug filed this petition of appeal on behalf of D.S.

## **CONCLUSIONS OF LAW**

A respondent may file a motion to dismiss instead of an answer to a petition if "the petitioner has advanced no cause of action even if the petitioner's factual allegations are accepted as true or for lack of jurisdiction, failure to prosecute, or other good reason." N.J.A.C. 6A:3-1.10; N.J.A.C. 6A:3-1.5(g).

A court may grant a motion to dismiss when “the petition on its face fails to set forth a basis for relief” and when the “petitioners have failed to provide any factual support for the general allegations of their petition.” Sloan ex rel. Sloan v. Klagholtz, 342 N.J. Super. 385, 394 (App. Div. 2001).

To state a claim upon which relief may be granted, a petitioner must establish standing. Standing is a threshold determination that establishes whether a litigant is entitled to initiate and maintain an action in court. Stubaus v. Whitman, 339 N.J. Super. 38, 47 (App. Div. 2001). A lack of standing prohibits a court from considering any of the underlying issues presented in an appeal. Watkins v. Resorts Int’l Hotel and Casino, 124 N.J. 398, 418 (1991). In appeals before the Commissioner of Education, only a parent or legal guardian has standing to bring such a case. N.J.A.C. 6A:3-1.3(a)(2).

In this case, Schug is the uncle of D.S. He is not his parent, and he is not his guardian. Indeed, Schug has no parental or guardianship rights over him.

Therefore, I **CONCLUDE** that Schug lacks standing under N.J.A.C. 6A:3-1.3(a)(2), that no cause of action exists to advance, and that this case must be dismissed.

### **ORDER**


Given my findings of fact and conclusions of law, I **ORDER** that Gloucester’s motion to dismiss this case is **GRANTED**, and that this case is **DISMISSED**.

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](mailto: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 28, 2026  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
**SUSAN MCCABE, ALJ**

Date Received at Agency: \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

SM/dc