

224-26
OAL Dkt. No. EDU 01156-26
Agency Dkt. No. 438-12/25

**New Jersey Commissioner of Education
Final Decision**

Maria Genao-Ramirez, Petitioner, v. New Jersey Department of Education, Office of School Bus Safety, 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 she failed to conduct a visual inspection of her school bus at the end of her transportation route and, as a result, a child remained on board at the end of the route.

Accordingly, the Initial Decision is adopted as the final decision in this matter and the petition of appeal is dismissed. Pursuant to *N.J.S.A. 18A:39-29(a)*, petitioner's "S" endorsement shall be 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 "S" endorsement, 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: June 25, 2026
Date of Mailing: June 25, 2026

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

DISMISSAL

OAL DKT. NO. EDU 01115-26

AGENCY DKT. NO. 438-12/25

MARIA GENAO-RAMIREZ,

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF
EDUCATION, OFFICE OF SCHOOL BUS
SAFETY,**

Respondent.

Maria Genao-Ramirez, petitioner, appearing pro se

Luke D. Hertzell-Lagonikos, Deputy Attorney General, for respondent New Jersey Department of Education, Office of School Bus Safety (Jennifer Davenport, Attorney General of New Jersey, attorney)

Record Closed: May 12, 2026

Decided: May 19, 2026

BEFORE **JOHN K. MALONEY**, ALJ:

STATEMENT OF THE CASE

This decision addresses a motion to dismiss under N.J.A.C. 1:1-1.3(a) and R. 4:6-2(e) for failure to state a claim upon which relief can be granted. Petitioner Maria Genao-Ramirez, a school bus driver, left a child behind on the bus at the end of her route after failing to make a visual inspection of the bus. Must Genao-Ramirez's school bus endorsement be suspended? Yes. When a school bus driver is found to have left a student on a school bus, the driver's school bus endorsement must be suspended for six months for a first offense. N.J.S.A. 18A:39-29(a).

PROCEDURAL HISTORY

On November 26, 2025, respondent Department of Education, Office of School Bus Safety (OSBS) notified Genao-Ramirez that it was suspending her school bus "S" endorsement for six months because it determined that she had left a child on her bus.

On December 4, 2025, Genao-Ramirez filed a Petition of Appeal with the Department of Education, Office of Controversies and Disputes. On January 19, 2026, the OSBS filed a Motion to Dismiss in Lieu of Answer. The Office of Controversies and Disputes transmitted the case to the Office of Administrative Law (OAL), where on January 20, 2026, it was filed under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

On April 7, 2026, I held a telephone conference with the parties, during which petitioner acknowledged receipt of the OSBS's motion to dismiss and indicated her intent to submit a response. Genao-Ramirez was given until May 8, 2026, to submit her response. To date, petitioner has not filed a response to the motion.

On May 12, 2026, I closed the record, and the information provided as of that date was considered for this decision.

FINDINGS OF FACT

Based upon the evidence before me, I **FIND** the following as **FACT**:

1. On November 10, 2025, Genao-Ramirez was a school bus driver for Don Transit Inc. and dropped off students at the FDR Preschool.
2. Around 11:20 a.m. on that date, a student was found in the parking lot outside of the bus previously driven by petitioner.
3. When questioned that day, Genao-Ramirez stated that she asked the aide, who had been on the bus with Genao-Ramirez, if she had checked the bus, and the aide told her that there was no one on the bus.
4. In her Petition of Appeal, Genao-Ramirez stated that “[t]he alleged incident was unintentional and isolated.” She further wrote, “[t]his is my first and only incident of this nature in my professional career,” and asserted that it “was an isolated incident and . . . will not happen again.”
5. Petitioner’s written statements corroborate the incident report’s finding that she did not inspect the bus herself as required by statute but instead relied upon the aide’s statement that no one was on the bus.

CONCLUSIONS OF LAW

Motion-to-Dismiss Standard

In deciding a motion to dismiss for failure to advance a cause of action that could entitle a petitioner to any relief, N.J.A.C. 6A:3-1.10 permits the Commissioner of Education to dismiss a petition on the grounds that the petitioner failed to advance a cause of action. The standard by which to decide a motion to dismiss for failure to state a claim in an administrative matter is the same as that governing a motion in Superior Court under R. 4:6-2(e). See Sloan ex rel. Sloan v. Klagholtz, 342 N.J. Super. 385,

393–94 (App. Div. 2001). An appeal can be dismissed for failure to state a claim “if it fails to articulate a legal basis entitling [a petitioner] to relief.” Hoffman v. Hampshire Labs, Inc., 405 N.J. Super. 105, 112 (App. Div. 2009). Thus, if a petition states no basis for legal relief and discovery would not provide one, dismissal is the proper remedy. Banco Popular N. Am. v. Gandi, 184 N.J. 161, 166 (2005).

Genao-Ramirez’s Suspension for Failure to Visually Inspect the Bus

N.J.S.A. 18A:39-28 requires 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.” Emphasis added. N.J.S.A. 18A:39-29 informs that “[i]n the event, after notice and opportunity to be heard, a school bus driver is found to have left a pupil on the school bus at the end of his route, his school bus endorsement shall be (a) suspended for six months, for a first offense.” N.J.S.A. 18A:39-29 provides Genao-Ramirez the opportunity to challenge the allegation against her.

Petitioner does not dispute the accuracy of the Office of School Bus Safety’s determination that on November 10, 2025, while driving a school bus, she failed to visually inspect the bus and a child was left behind on her bus. In fact, in multiple documents, some of which she authored, Genao-Ramirez admits that she failed to conduct the required visual inspection.

Rather than challenging the OSBS’s finding of a failure to visually inspect, Genao-Ramirez admits the failure but asserts that the failure was unintentional and an isolated event. She further pleads that financial, personal, and professional hardship would result from a suspension of her school bus driving “S” endorsement. In lieu of a suspension, petitioner requests that she be given additional training and safety-education courses to “ensure that this type of incident does not occur again.” The penalty enumerated in N.J.S.A. 18A:39-29 is statutorily mandated and nondiscretionary. A first violation of that statute compels a six-month suspension of the bus driver’s “S” endorsement.

Accordingly, I **CONCLUDE** that Genao-Ramirez failed to conduct the statutorily required visual inspection of the school bus she was driving on November 10, 2025, which resulted in a child being left behind on that bus. Since N.J.S.A. 18A:39-29(a) does not provide for consideration of any mitigating factors, I further **CONCLUDE** that the violation of her duty to visually inspect her assigned bus at the end of her transportation route as required in N.J.S.A. 18A:39-28 necessitates the imposition of a six-month suspension of her school bus endorsement as mandated by N.J.S.A. 18A:39-29(a). Lastly, I **CONCLUDE** that, because Genao-Ramirez's petition and entreaties provide no basis for legal relief, dismissal is the appropriate remedy. See Banco Popular, 184 N.J. at 166.

ORDER

For the reasons set forth above, I **ORDER** that Genao-Ramirez's school bus "S" endorsement is **SUSPENDED** for six months, that the Department of Education, Office of School Bus Safety's, motion to dismiss is **GRANTED**, and that Genao-Ramirez's Petition of Appeal 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** 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.

May 19, 2026

DATE



JOHN K. MALONEY, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

JKM/kl

APPENDIX

Exhibits

For petitioner:

P-1 Petition of Appeal with supporting documentation

For respondent:

R-A DOE OSBS's November 26, 2025, Letter to Petitioner

R-B Petitioner's December 4, 2025, Appeal Petition

R-C November 10, 2025, Incident Report