

226-26  
OAL Dkt. No. EDU 02297-26  
Agency Dkt. No. 038-02-26

**New Jersey Commissioner of Education  
Final Decision**

Luis A. Salcedo,  Petitioner,  v.  New Jersey Department of Education, Office of School Bus Safety,  Respondent.
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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 he failed to conduct a visual inspection of his school bus at the end of his 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 he is ineligible during the period of suspension for continued employment as a school bus driver.

IT IS SO ORDERED.<sup>1</sup>

  
COMMISSIONER OF EDUCATION

Date of Decision: June 25, 2026  
Date of Mailing: June 25, 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**

**SUMMARY DECISION**

OAL DKT. NO. EDU 02297-26

AGENCY DKT. NO. 382-02-26

**LUIS A. SALCEDO,**

Petitioner,

v.

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

Respondent.

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**Luis A. Salcedo**, Petitioner, pro se

**David L. Kalisky**, Deputy Attorney General, for respondent (Jennifer Davenport,  
Attorney General of New Jersey, attorneys)

BEFORE **ERNEST M. BONGIOVANNI**, ALJ:

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

On February 6, 2026, Luis A. Salcedo, (petitioner/Salcedo) filed an administrative hearing request contesting the findings of the New Jersey Department of Education, Officer of School Bus Safety (OSBS) that on January 23, 2026, a child was left on the school bus to Salcedo was assigned. N.J.S.A. 18A:39-28 et. Seq. required that Salcedo, as a school bus driver, conduct a visual inspection at the end of his

transportation Route to assure no pupil has been left on his bus. As a result of his failure to do so that day, his school bus “S’ endorsement be suspended for a period of six (6) months.

As the result of petitioner’s appeal, the imposition of the suspension has been stayed pending the outcome of the hearing at the OAL.

Salcedo asked for Emergent relief. After a hearing, said relief was denied to Salcedo by Order dated February 19, 2026. On or about April 5, 2026, the OSBS filed this motion for summary decision. This Court accepted Salcedo’s late filed opposition to the motion on May 12, 2026. For the reasons which shall follow, I grant the requested summary decision.

### **UNDISPUTED MATERIAL FACTS**

First, Salcedo’s filing (despite it being defective as not supported by any certified to facts) admits he did not follow the law and the agency’s policy by failing to personally inspect the bus for children at the end of his route, instead “[R]elying solely on the bus aide’s word. This was a mistake petitioner takes responsibility for it.” Page 2, Salcedo’s Opposition to Motion.

Further, Salcedo admits the penalty of a six-month suspension was justified. In his words:

Petitioner does not dispute that regardless of the post-trip inspection performed<sup>1</sup> at the parking lot, he [Salcedo] should have personally inspected the bus before leaving the school...[.] Petitioner accepts responsibility for that lapse and accepts the six-month suspension of his school bus endorsement as the statutory consequence.

### **Ibid**

It is therefore undisputed, as argued by the OSBS in its motion, that Salcedo and undoubtably without excuse violated his statutory duty. Further, Salcedo does not argue

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<sup>1</sup> Salcedo claims his aide performed an inspection

that the penalty is unduly punitive, an abuse of discretion or otherwise unlawful or unjust. In the Emergent hearing Salcedo had argued that his acknowledgment that his failure to follow his statutory duty ensured he would correct himself in the future and that no harm had come to the child during the time -twenty minutes- while the child was unsupervised (as her presence on the bus was unknown to Salcedo or his aide before she was discovered on the bus in the parking lot). He apparently has abandoned that position and agrees the imposition of a six-month suspension is correct.

### **ANALYSIS AND CONCLUSIONS OF LAW**

If there is no genuine issue as to any material fact, a moving party is entitled to prevail on a motion for summary disposition as a matter of law. Brill v. The Guardian Life Insurance Co. of America, 142 N.J. 520, 540 (1995). The purpose of summary decision is to avoid unnecessary hearings and their concomitant burden on public resources. Under the Brill standard, a fact-finding hearing should be avoided “when the evidence is so one-sided that one party must prevail as a matter of law.” Id.

As indicated in the decision denying Emergent Relief, the personal inspection by the bus driver to check for children remaining on the school bus after the drop off is mandatory and the penalty, fortunately, in my opinion, does not require that any harm befall the child in order to make an affirmative finding of the failure to follow the inspection requirement nor does a promise to do better in the future negate the need for the penalty. The only issue truly presented in this case was whether the pupil or child was left on the school bus at the end of his route, which is plainly obvious and admitted by the driver Salcedo.

In fact, Salcedo simply asks that the penalty of six months suspension be imposed retroactively. I find I have no such authority to do so as the penalty is mandatory. Further it would seem unjust to impose it “retroactively” as the suspension was stayed during the time of the appeal. Regardless of whether Salcedo was not employed by any school since the incident, it is not this court’s province to deem when the suspension is served. Finally, Salcedo has provided no reason for his unusual

request. Economic hardship is no claim, when, as here, the penalty period is mandatory and is silent as to exceptions made for such hardship caused by its imposition.

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As noted by the moving papers in this motion, the penalty for a first offense by the bus driver of a six-month suspension of a bus driver's "S" endorsement to his license is mandatory. Accordingly, and for the reasons and undisputed facts as set forth, I **CONCLUDE** as a matter of undisputed fact and law that the decision of the agency must be upheld.

### **ORDER**

For the reasons set forth above, the motion for summary disposition filed by the respondent, the New Jersey Department of Education, Office of School Bus Safety (OSBS), is hereby **GRANTED** and the determination of a six-month suspension of Luis A. Salcedo's "S" certification to his driver's license shall be and is **AFFIRMED**.

I hereby **FILE** my initial decision with the **COMMISSIONER OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **SUPERINTENDENT OF THE DIVISION OF STATE POLICE**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Environmental Protection 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 **SUPERINTENDENT, DIVISION OF STATE POLICE, PO Box 7068, West Trenton, New Jersey 08625-0068**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



May 26, 2026

DATE

ERNEST M. BONGIOVANNI, ALJ

Date Received at Agency:

5/26/26

Mailed to Parties:

5/26/26

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