

349-26
OAL Dkt. No. EDU 03537-26
Agency Dkt. No. 050-02-26

New Jersey Commissioner of Education
Final Decision

Terry Bellamy,

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 with the Administrative Law Judge that petitioner is permanently disqualified from employment as a school bus driver pursuant to *N.J.S.A. 18A:39-19.1*.

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.¹



COMMISSIONER OF EDUCATION

Date of Decision: September 3, 2026
Date of Mailing: September 4, 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 03537-26

AGENCY DKT. NO. 050-02-26

TERRY BELLAMY,

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF
EDUCATION, OFFICE OF STUDENT
PROTECTION,**

Respondent.

Terry Bellamy, petitioner, appearing pro se

David L. Kalisky, Deputy Attorney General, for respondent, New Jersey
Department of Education, Office of Student Protection (Jennifer
Davenport, Attorney General of New Jersey, attorney)

Record Closed: May 22, 2026

Decided: July 1, 2026

BEFORE **SAMANTHA L. PRICE**, ALJ:

STATEMENT OF THE CASE

Petitioner, Terry Bellamy (Bellamy), applied for a school bus driver position with Saint Mary Transportation, a school transportation contractor; however, his criminal history record contains convictions for the following criminal offenses: stalking, resisting arrest, robbery, possession of a controlled dangerous substance, receiving stolen property, and theft by unlawful taking. Is Bellamy precluded from employment as a school bus driver? Yes. A school bus driver must be permanently disqualified from employment or service if the individual's criminal history record reveals a record of conviction for possession of a controlled dangerous substance; a crime involving the use of force or the threat of force to or upon a person or property, including robbery or stalking; a third-degree crime as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; or any of the crimes listed in N.J.S.A. 18A:6-7.1, such as resisting arrest. N.J.S.A. 18A:39-19.1; N.J.S.A. 18A:6-7.1.

PROCEDURAL HISTORY

On February 4, 2026, the Department of Education, Office of Student Protection (OSP), permanently disqualified Bellamy from school employment or employment with a contracted service provider under contract with a school or educational facility because his criminal history record revealed several convictions for disqualifying offenses. (R-A.)

On February 11, 2026, Bellamy filed a pro se petition of appeal challenging his disqualification, asserting that his criminal offenses were nearly two decades old and do not reflect his current character or qualifications. On February 27, 2026, OSP filed a motion to dismiss in lieu of an answer. On March 2, 2026, the Department of Education transmitted this case to the Office of Administrative Law as a contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the office, 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 8, 2026, I held the initial prehearing conference with the parties, during which time Bellamy acknowledged receipt of OSP's motion to dismiss and indicated his

intent to submit a response. Bellamy was given until May 8, 2026, to file opposition, and OSP was given until May 22, 2026, to file a response. Bellamy never filed any opposition, so I closed the record on May 22, 2026. To date, Bellamy has still not filed any opposition.

FINDINGS OF FACT

Accepting all the allegations in the petition as true, I **FIND** the following as **FACT**:

On January 22, 2026, Saint Mary Transportation, a student transportation contractor, issued a letter stating that since Bellamy passed his road test for a CDL Class A endorsement, he was qualified to work as a school bus driver. (P-1.)

Thereafter, in accordance with N.J.S.A. 18A:6-7.2, OSP ran a fingerprint search of Bellamy through the New Jersey State Police and the Federal Bureau of Investigation. (R-A.) The fingerprint search revealed convictions for the following crimes and offenses:

- On October 26, 2005, Bellamy was found guilty of third-degree theft by unlawful taking, in violation of N.J.S.A. 2C:20-3(a).
- On May 12, 2006, Bellamy was convicted of third-degree receiving stolen property, in violation of N.J.S.A. 2C:20-7(a), and possession of a controlled dangerous substance (CDS), in violation of N.J.S.A. 2C:35-10(a)(1).
- On June 17, 2008, Bellamy was convicted of possession of a CDS, in violation of N.J.S.A. 2C:35-10(a)(1).
- On February 22, 2012, Bellamy was convicted of robbery, in violation of N.J.S.A. 2C:15-1.

- On May 17, 2023, Bellamy was convicted of stalking in violation of N.J.S.A. 2C:12-10(b), and resisting arrest, in violation of N.J.S.A. 2C:29-2(b).

On February 4, 2026, OSP notified Bellamy by letter that based on his criminal history record, he was “permanently disqualified from school employment or employment with a contracted service provider under contract with said school or educational facility.” (R-A.) Bellamy had fourteen days from the date of the notice to challenge the accuracy of his criminal history record.

On February 11, 2026, Bellamy filed a petition of appeal. In his petition of appeal, Bellamy argues that reliance on convictions from nearly two decades ago is not a reasonable basis to disqualify him, and his offenses do not reflect his current character or qualifications. Bellamy does not dispute the accuracy of his criminal history record. Moreover, Bellamy asserts in the petition that he “takes full responsibility” for his criminal history “to move forward.”

CONCLUSIONS OF LAW

The Commissioner of Education may dismiss a petition of appeal if the petitioner has advanced no cause of action, even if the petitioner’s factual allegations are accepted as true. N.J.A.C. 6A:3-1.10. This standard of review is the same as that in a civil action 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) (citation omitted). 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).

In New Jersey, a school bus driver employed by a board of education or a school bus contractor holding a contract with a board of education must meet the same criminal history record requirements as a public-school employment candidate. N.J.S.A. 18A:39-19.1.

Under N.J.S.A. 18A:6-7.1, an individual is permanently disqualified from employment if the individual's criminal history record check reveals a record of conviction for any crime in the first or second degree, or any of the following enumerated offenses: an offense involving the manufacture, transportation, sale, possession, distribution, or habitual use of a "controlled dangerous substance"; a crime involving the use of force or the threat of force to or upon a person or property including, but not limited to, robbery, aggravated assault, stalking, kidnapping, arson, manslaughter, and murder; a third-degree crime as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; or any of the crimes listed in the statute, such as resisting arrest. N.J.S.A. 18A:6-7.1(a) through (c). Further, N.J.S.A. 18A:6-7.1(d) states that a conviction exists if the individual has at any time been convicted under the laws of this State.

In this case, all five of Bellamy's convictions in his criminal history record are disqualifying under N.J.S.A. 18A:6-7.1. The crimes of stalking, resisting arrest, robbery, and possession of a CDS are specifically enumerated in the statute as disqualifying offenses. In addition, the third-degree receipt of stolen property is disqualifying as a third-degree crime set forth in Chapter 20 of Title 2C of the New Jersey Statutes.

N.J.S.A. 18A:6-7.1(e) further provides that an individual shall not be disqualified from employment or service without an opportunity to challenge the accuracy of the disqualifying criminal history record. Bellamy, however, does not dispute the accuracy of his criminal record. He does not even argue that his offenses are not disqualifying. He simply asks me to disregard them because they occurred nearly twenty years ago. However, the age of a conviction is irrelevant under the statute. Even if the age of a conviction could be considered, Bellamy's most recent disqualifying offense occurred in 2023, negating this argument.

Bellamy then requests that his disqualification be overturned because his record does not reflect his current character or qualifications and he has "grown from [his] past." But N.J.S.A. 18A:6-7.1 does not provide OSP with discretion to consider an

individual's attempts to rehabilitate. The permanent nature of the disqualification does not permit consideration of an individual's rehabilitation efforts.

Accordingly, I **CONCLUDE** that all five offenses on Bellamy's criminal history record are disqualifying under N.J.S.A. 18A:6-7.1 and, as such, Bellamy is permanently disqualified for employment as a school bus driver under N.J.S.A. 18A:39-19.1.

I further **CONCLUDE** that, as Bellamy's petition provides 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 Bellamy is **DISQUALIFIED** from employment as a school bus driver, OSP's motion to dismiss is **GRANTED**, and Bellamy's petition of appeal is **DISMISSED**.

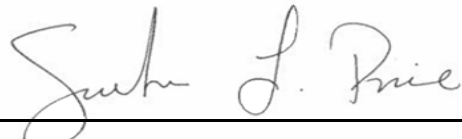
I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

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.

July 1, 2026

DATE



SAMANTHA L. PRICE, ALJ

Date Received at Agency:

Date Mailed to Parties:

SLP/oni

APPENDIX

Exhibits

For petitioner:

P-1 Petition of Appeal with supporting documentation

For respondent:

R-A Letter from OSP to Bellamy, February 4, 2026, with Addendum A

R-B FBI's Criminal History Message, February 3, 2026