

**New Jersey Commissioner of Education
Final Decision**

Joan S. Llanos Claros,

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 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.¹


COMMISSIONER OF EDUCATION

Date of Decision: January 29, 2026
Date of Mailing: January 30, 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

SUMMARY DECISION MOTION

OAL DKT. NO. EDU 17100-24

AGENCY REF. NO. 354-11/24

JOAN S. LLANOS CLAROS,

Petitioner,

v.

NEW JERSEY DEPARTMENT OF EDUCATION,

OFFICE OF STUDENT PROTECTION,

Respondent.

Joan S. Llanos Claros, petitioner, pro se

David Kalisky, Deputy Attorney General, for respondent (Matthew J. Platkin,
Attorney General of New Jersey, attorney)

Record Closed: February 11, 2025

Decided: December 30, 2025

BEFORE **AURELIO VINCITORE**, ALJ:

STATEMENT OF THE CASE

On October 31, 2024, petitioner, Joan S. Llanos Claros (Claros), a school bus driver, failed to inspect the bus at the end of his route and left a pupil on the bus. Must

Claros's school bus endorsement be suspended? Yes. If a school bus driver fails to inspect his bus at the end of his route and leaves a pupil on the bus, his school bus endorsement must be suspended for six months. N.J.S.A. 18A:39-29.

PROCEDURAL HISTORY

On November 7, 2024, respondent, the New Jersey Department of Education, Office of Student Protection (OSP), informed Claros that his "S" endorsement to operate a school bus was suspended. On November 8, 2024, Claros filed a petition of appeal with the New Jersey Department of Education, Office of Controversies and Disputes. On November 25, 2024, the Office of Controversies and Disputes transmitted the case to the Office of Administrative Law (OAL) as a contested case 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.

On November 22, 2024, OSP filed a motion to dismiss instead of an answer. On February 11, 2025, petitioner filed his opposition to the motion. Respondent did not file a reply.

FINDINGS OF FACT

Based on the papers the parties submitted in support of and in opposition to the motion to dismiss, and accepting as true the facts alleged in the petition, and providing every inference to Claros, I **FIND** the following as **FACT** for purposes of this motion only:

1. On October 31, 2024, Claros was a school bus driver for Aldin Transportation, which serves the Paterson School District.
2. On that date, Claros failed to conduct a visual inspection of the bus at the end of his route and left a pupil on the bus, which he admits in its petition
3. This is Claros's first offense.

CONCLUSIONS OF LAW

Standard on Motion to Dismiss

In considering a motion to dismiss brought by a respondent, the court must accept as true the facts alleged in the complaint, with liberality and provide every inference to the plaintiffs. Craig v. Suburban Cablevision, Inc., 140 N.J. 623, 625–26 (1995) (citations omitted); see also Maeker v. Ross, 219 N.J. 565, 569 (2014). In reviewing the complaint, the question is not whether the petitioner can prove the allegations but whether a cause of action may be “gleaned even from an obscure statement of claim.” Printing Mart-Morristown v. Sharp Elecs. Corp., 116 N.J. 739, 746 (1989). Specifically, the required test is “whether a cause of action is suggested by the facts.” Velantzas v. Colgate-Palmolive Co., 109 N.J. 189, 192 (1988) (citations omitted).

The test for determining the adequacy of whether a cause of action is suggested by the facts is limited to examining the legal sufficiency of the facts alleged on the face of the complaint. Printing-Mart Morristown v. Sharp Elecs. Corp., 116 N.J. 739, 746 (1989). It does not matter whether a petitioner can prove the allegations contained in the complaint because the facts alleged in the complaint and the legitimate inferences drawn therefrom are deemed admitted. Ibid. (citing Somers Constr. Co. v. S. Gloucester Cnty. Reg'l High Sch. Dist. Bd. of Educ., 198 F. Supp. 732, 734 (D.N.J.1961)); Smith v. City of Newark, 136 N.J. Super. 107, 112 (App. Div. 1975) (citing Heavner v. Uniroyal, Inc., 63 N.J. 130, 133 (1973); J.H. Becker, Inc. v. Marlboro Twp., 82 N.J. Super. 519, 524 (App. Div. 1964)). A complaint should not be dismissed if a cause of action can be suggested by the facts, but a dismissal is mandated if the factual allegations are palpably insufficient to support a claim upon which relief can be granted. Rieder v. Dep't of Transp., 221 N.J. Super. 547, 552 (App. Div. 1987).

Respondent argues that under N.J.A.C. 6A:3-1.10, the Commissioner of Education may dismiss a petition of appeal if it fails to advance a cause of action, even if petitioner's

factual allegations are accepted as true. However, this case is more appropriate for summary decision. Under N.J.A.C. 1:1-12.5(b), “[t]he decision sought may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, 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.”

Standard for Inspection of Bus

The law imposes an affirmative obligation on school bus drivers to inspect their buses at the end of every route to ensure that no child remains on the school bus. N.J.S.A. 18A:39-28. If 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 must be suspended or terminated. N.J.S.A. 18A:39-29. For a first offense, a school bus endorsement must be suspended for six months. Ibid.

In this case, on October 31, 2024, Claros failed to inspect the school bus at the end of his route and left a pupil on the bus. Claros admits this in his petition. Claros admits that he failed to conduct the visual inspection at the end of the transportation route and left a pupil on the bus. Therefore, I **CONCLUDE** that Claros’s school bus endorsement must be suspended for six months.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that respondent’s motion for summary decision is **GRANTED** and that this case is **DISMISSED**.

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

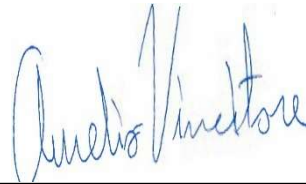
This recommended decision may be adopted, modified, or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized

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 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.

December 30, 2025

DATE



AURELIO VINCITORE, ALJ

Date Received at Agency:

12/30/25

Date Mailed to Parties:

12/30/25

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