

397-26
OAL Dkt. No. EDU 07698-26
Agency Dkt. No. 184-05-26

New Jersey Commissioner of Education
Final Decision

Brian Pincus,

Petitioner,

v.

Robbinsville Board of Education, Mercer
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 (ALJ) that summary decision is appropriate because none of the material facts are disputed. Additionally, the Commissioner concurs with the ALJ that the Robbinsville Board of Education (Board) did not act arbitrarily, capriciously, or unreasonably when it eliminated courtesy busing for the 2026-2027 school year for all non-remote students due to budgetary constraints. The Commissioner has previously held that boards have no legal obligation to provide courtesy busing to non-remote students. *Paolo Racli v. Patrick J. Fletcher, Executive County Superintendent, Bergen County*, OAL Dkt. No. EDU 06614-25, Initial Decision at 7-8 (Aug. 11, 2025), *adopted*, Commissioner Decision No. 506-25 (Oct. 24, 2025).

Accordingly, the Initial Decision is adopted as the final decision in this matter, the Board's motion for summary decision is granted, and the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹



COMMISSIONER OF EDUCATION

Date of Decision: October 5, 2026
Date of Mailing: October 6, 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

GRANTING SUMMARY

DECISION

OAL DKT. NO. EDU 07698-26

AGENCY DKT. NO. 184-05-26

BRIAN PINCUS,

Petitioner,

v.

ROBBINSVILLE BOARD OF EDUCATION,

MERCER COUNTY,

Respondent.

Brian Pincus, petitioner, pro se

Patrick F. Carrigg, Esq., for respondent, Robbinsville Board of Education (Lenox
Law Firm, LLC, attorneys)

Record Closed: July 31, 2026

Decided: August 21, 2026

BEFORE **SARAH G. CROWLEY**, ALJ:

Petitioner Brian Pincus seeks a decision requiring respondent Robbinsville Board of Education (Board or District) to provide transportation for non-remote students attending its school who had previously been provided courtesy busing under the hazardous-route designation. Respondent opposes this action on the grounds that the

District has no legal obligation to provide transportation to remote students. Moreover, although courtesy busing had been provided to remote students designated in hazardous areas, all courtesy busing was eliminated in the 2026–2027 budget, which was adopted in April 2026. The respondent seeks summary decision dismissing the complaint, as there is no legal basis to require busing for remote students.

PROCEDURAL HISTORY

An emergent petition was filed by Pincus on May 17, 2026, requesting that the Robbinsville Board of Education continue to provide courtesy busing to remote students. The matter was transmitted to the Office of Administrative Law on May 15, 2026. N.J.S.A. 52:14B-1 to B-15; N.J.S.A. 52:14F-1 to F-3. Respondent filed opposition to the petition, and petitioner filed a reply to the opposition. Oral argument was heard on May 27, 2026, and an order denying the requested relief was entered. The matter proceeded on a non-emergent track. The respondent filed a motion for summary decision on July 31, 2026. No opposition was filed and the record closed on that date.

FINDINGS OF FACT

Having reviewed the papers in support of and in opposition to the motion for summary decision, I **FIND** the following **FACTS**:

1. Petitioner is a resident of Robbinsville, N.J.
2. Courtesy busing had been provided to the petitioner's child or children under the provisions of N.J.A.C. 6A:27-1.4(a) and N.J.S.A. 18A:39-1.8.
3. In April 2026, the District adopted a budget for the 2026–2027 school year that eliminated all courtesy busing for the 2026–2027 school year.
4. The petitioner has argued that his children are on a hazardous route and seeks to have the courtesy busing continued.

5. Busing has been offered for a fee to petitioner's children and all other children similarly situated in the district whose courtesy busing has been eliminated in the 2026–2027 budget.

DISCUSSION AND CONCLUSIONS OF LAW

Under N.J.S.A. 18A:6-9, the Commissioner's jurisdiction is defined and is limited to "controversies and disputes arising under the school laws." In Dunellen Bd. of Educ. v. Dunellen Educ. Ass'n, 64 N.J. 17, 23 (1973), the New Jersey Supreme Court concluded that "the Legislature enacted provisions entrusting school supervision and management to local school boards . . . subject to the supervisory control [of] . . . the State Commissioner of Education."

The regulations governing such disputes before the Commissioner of Education provide that "[w]here the subject matter of the controversy is a particular course of action by a district board of education or any other party subject to the jurisdiction of the Commissioner, the petitioner may include with the petition of appeal, a separate motion for emergent relief or a stay of that action pending the Commissioner's final decision in the contested case." N.J.A.C. 6A:3-1.6(a). The regulations further provide that the Commissioner may "[t]ransmit the motion to the OAL for immediate hearing on the motion." N.J.A.C. 6A:3-1.6(c)(3).

The issue in this case is whether Robbinsville is obligated to continue to provide "courtesy busing" on those routes that were previously designated as "hazardous routes." It is well settled that districts have an obligation to provide transportation to public-school students who reside remotely from their assigned school of attendance. "Remote" is defined as beyond two miles for elementary school students and beyond two and one-half miles for high school students. N.J.A.C. 6A:27-1.3(a)(1)(i). "District boards of education may provide for the transportation of students who reside less than remote from their school in accordance with district board of education policies and at the school district's expense." N.J.A.C. 6A:27-1.4(a).

When a district provides courtesy busing, the district must adopt a policy regarding the transportation of students who must walk to and from school along hazardous routes. The policy shall include a list of hazardous routes in the district where the district provides courtesy busing of students and the criteria used in designating the hazardous routes, which may include the following:

1. Population density;
2. Traffic volume;
3. Average vehicle velocity;
4. Existence or absence of sufficient sidewalk space;
5. Roads and highways that are winding or have blind curves;
6. Roads and highways with steep inclines and declines;
7. Drop-offs that are in close proximity to a sidewalk;
8. Bridges or overpasses that must be crossed to reach the school;
9. Train tracks or trestles that must be crossed to reach the school; and
10. Busy roads or highways that must be crossed to reach the school.

[N.J.S.A. 18A:39-1.5(a).]

Consistent with the foregoing statute and regulations, Robbinsville provided courtesy busing for a number of years. However, due to budget constraints, all courtesy busing was eliminated in the 2026–2027 school budget, which was adopted in April 2026. The budget was legally passed, and there is no argument made with respect to the budgetary process.

Petitioner has not submitted any viable legal argument in support of his complaint. He argues that because these routes had previously been designated as hazardous, the Board has a continuing obligation to provide courtesy busing. However, there is no support for this argument. Petitioner's reliance on *Holland* is misplaced. G.S. v. Bd. of Educ. of Holland Twp., No. 148-20, Comm'r (July 16, 2020), <https://www.nj.gov/education/legal/>, stands for the proposition that when you provide courtesy busing, or remove it, it must be done equitably. In this case, all courtesy busing has been eliminated for everyone in the district. There is no legal support for requiring busing for non-remote students.

Petitioner argues that the prior designation of hazardous routes, which was required under applicable regulations, somehow creates a continuing legal obligation to continue such courtesy busing. However, neither the regulations, the statute, nor any case law supports such a legal obligation on the school district. Moreover, there has been no showing that the elimination of such busing was arbitrary, capricious or unreasonable. The prior offering of courtesy busing does not create a legal obligation to continue to provide such busing. Moreover, the statute and regulations are clear that districts are not obligated to provide, or continue to provide, courtesy busing to non-remote students.

Therefore, I **CONCLUDE** that there are no issues of fact in dispute and the respondent is entitled to summary decision as a matter of law and the petition is hereby **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.

August 21, 2026

DATE



SARAH G. CROWLEY, ALJ

Date Received at Agency:

Date Mailed to Parties:

SGC/onl

DOCUMENTS RELIED UPON

Respondent's Motion for Summary Decision and Petitioner's Opposition