

#192-08

OAL DKT. NO. EDU 9786-07
AGENCY DKT. NO. 268-9/07

E.T., on behalf of minor children, N.S. and J.S.,	:	
	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY OF	:	DECISION
BAYONNE, HUDSON COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

The record of this matter, the parties' proposed Settlement Agreement, and the Initial Decision issued by the Office of Administrative Law (OAL) have been reviewed pursuant to *N.J.A.C. 1:1-19.1*.

Upon review, the Commissioner finds that she cannot approve the Settlement Agreement because it is signed by the Superintendent of the Bayonne School District, and neither the file nor the agreement includes a Board resolution approving the agreement and designating the superintendent to sign it on the Board's behalf; nor, in the alternative, is the agreement signed by the Board attorney as the Board's duly authorized representative in litigation.

Accordingly, the Commissioner hereby remands this matter to the OAL for revision of the Settlement Agreement consistent with the concerns set forth above. If the parties are unwilling or unable to reach accord on a modified agreement for submission to the Commissioner, the matter shall proceed to hearing.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: April 24, 2008

Date of Mailing: April 24, 2008

* This decision may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*