

#495-07

OAL DKT. NO EDU 11392-06
AGENCY DKT. NO. 313-9/06

IN THE MATTER OF THE TENURE :
 HEARING OF THOMAS CRANDALL, :
 SCHOOL DISTRICT OF THE BOROUGH : COMMISSIONER OF EDUCATION
 OF ELMWOOD PARK, BERGEN COUNTY. : DECISION
 _____:

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

Upon such review, the Commissioner observes that the Board President and the Board Secretary/Business Administrator signed the settlement agreement on behalf of the Board. In that neither the file nor the settlement agreement contains a copy of the Board’s resolution approving the settlement¹ and further designating these individuals to sign the agreement on its behalf, nor – in the alternative – is the agreement signed by the Board attorney, who is the Board’s duly authorized representative in litigation, the Commissioner cannot approve the within settlement agreement.

Accordingly, this matter is hereby remanded 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.²

COMMISSIONER OF EDUCATION

Date of Decision: _____
Date of Mailing: _____

¹ It is noted that the agreement, on its face, is specifically contingent on such approval (Term #12).

² 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.*