

#37-08

OAL DKT. NO. EDU 4685-04  
AGENCY DKT. NO. 168-5/04

VALERIE NORTHEY-ARMSTRONG,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE TOWNSHIP	:	DECISION
OF FRANKLIN, SOMERSET COUNTY,	:	
	:	
RESPONDENT.	:	
	:	

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The record, Settlement Agreement with Release and Waiver, 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 President of the Franklin Township Board of Education signed the Settlement Agreement with Release and Waiver on behalf of the Board. In that neither the file nor the settlement agreement contains a copy of the Board’s resolution approving the settlement and designating this individual 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, the Commissioner hereby remands this matter to the OAL for revision of the Stipulation of Settlement 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: January 31, 2008

Date of Mailing: January 31, 2008

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\* 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.*