

#319-08 (OAL Decision not available online)

OAL DKT. NO. EDU 324-08
AGENCY DKT. NO. 24-1/08

J.B. and D.B., on behalf of minor children,	:	
	:	
PETITIONERS,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF WASHINGTON	:	DECISION
TOWNSHIP, GLOUCESTER COUNTY,	:	
	:	
RESPONDENT.	:	

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

Upon such review, the Commissioner observes that the Director of Student/Staff Services and Community Outreach signed the Stipulation of Settlement 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 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: July 24, 2008
Date of Mailing: July 25, 2008

¹ It is noted that the Initial Decision identifies J.B. and D.B. as appearing *pro se* in this matter and Gregory Lomax, Esq. as counsel for the Board. The record establishes that Mr. Lomax is counsel for J.B. and D.B. and Michael E. Heston, Esq. represents the Board.

² This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, c. 36.