

#199-09 (OAL Decision not available online)

OAL DKT. NO. EDU 13005-08
AGENCY DKT. NO. 218-7/08

BOARD OF EDUCATION OF THE	:	
TOWNSHIP OF WEST MILFORD,	:	
PASSAIC COUNTY,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE CITY OF	:	DECISION
GARFIELD, BERGEN COUNTY,	:	
RESPONDENT.	:	
_____	:	

The record of this matter, the parties’ proposed Stipulation of Settlement and Release, 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 cannot approve the Settlement Agreement because it is signed on behalf of the Garfield Board of Education by the Board Secretary and Board President, and neither the file nor the agreement includes any indication that the Garfield Board has approved the agreement and designated these officials 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 concern 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: June 18, 2009
Date of Mailing: June 19, 2009

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