

#127-10

OAL DKT. NO. EDU 371-10
AGENCY DKT. NO. 6-1/10

T.T. and I.D., ON BEHALF OF MINOR CHILD, D.T.,	:	
	:	COMMISSIONER OF EDUCATION
PETITIONER,	:	
	:	DECISION
V.	:	
	:	
BOARD OF EDUCATION OF THE TOWNSHIP OF HAMILTON, MERCER COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

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

Upon such review, the Commissioner cannot accept the proposed agreement, which does not dispose of all issues in controversy as required by applicable rule. Specifically, the Commissioner notes that there are *two* petitioners in this matter, only one of whom (T.T.) signed the agreement and consented to withdrawal of the petition; the other (I.D.) expressly refused to do so, as indicated by the notation “No Agreement/Refused to Sign” on the line designated for his signature. Since the petition has not been withdrawn by I.D. and there is no explanation on record as to why the proposed settlement resolves this matter notwithstanding I.D.’s refusal to consent to its terms, the Commissioner cannot approve the agreement as recommended.

Accordingly, the proposed settlement and the Initial Decision of the OAL recommending its approval are hereby rejected, and this matter is remanded to the OAL for such proceedings as are necessary to fully resolve the parties' dispute.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: April 23, 2010

Date of Mailing: April 23, 2010

¹ Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Appellate Division of the Superior Court.