#237-10R

OAL DKT. NO. EDU 620-10
(EDU 10129-09 ON REMAND)
AGENCY DKT. NO. 228-9/09

B.S. on behalf of minor child, D.L.S,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE TOWNSHIP OF EWING, MERCER COUNTY,	:	DECISION
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. Upon such review, the Commissioner observes that the Attendance and Residency Officer signed the settlement agreement on behalf of the Board. The settlement agreement was not signed by the Board's attorney, who is the Board's duly authorized representative in litigation, nor does the file contain a copy of the Board's resolution approving the settlement and designating the Attendance and Residency Officer to sign the agreement on its behalf. Therefore, 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.

ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 5, 2010
Date of Mailing: August 5, 2010