

#189-10

OAL DKT. NO. EDU 1842-10
AGENCY DKT. NO. 15-1/10

H.P. and G.H. on behalf of minor child R.H., :

PETITIONERS, :

V. :

COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE :
TOWNSHIP OF HILLSIDE, :
UNION 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 review, the Commissioner observes that neither the file nor the Settlement Agreement contains a copy of a Board resolution approving the settlement and authorizing the Board Secretary to sign the agreement on its behalf. Nor is the agreement signed by the Board attorney, who is the Board's duly authorized representative in litigation. The Commissioner consequently cannot approve the within settlement.

Accordingly, the Commissioner hereby remands this matter to the OAL for revision of the Settlement Agreement to include either the Board attorney's signature or a Board resolution approving the settlement and designating the Board Secretary or another individual to sign on behalf of same. 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 25, 2010

Date of Mailing: June 25, 2010

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