

#270-12 (OAL Decision: Not available online)

OAL DKT. NO. EDU 10853-11

AGENCY DKT. NO. 256-9/11

IN THE MATTER OF THE TENURE :
HEARING OF FELICIA MORALES, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE CITY : DECISION
OF PLEASANTVILLE, ATLANTIC
COUNTY. :

On May 17, 2012 the Commissioner received the Initial Decision and a handwritten proposed amicable resolution to the above captioned litigation. Upon review of same, as well as the accompanying file, the Commissioner concludes that sufficient basis to approve the proposed settlement is lacking.

While respondent has clearly signed the proposed settlement agreement, the required evidence of petitioner’s commitment to same has not been provided. More specifically, there is no resolution in the file evidencing petitioner’s ratification of the agreement, no signature by petitioner’s attorney, and no evidence that the State Monitor has signed off on the settlement – as required in Paragraph 7 of same.

Further, while the Initial Decision concludes that the settlement “is in accord with the requirements of *N.J.A.C.* 1:1-19.1 and of *In re Cardonick*, 1990 *S.L.D.* 842, 846” based upon “the evidence up to the point the hearing ceased” (Initial Decision at 2), no specific reasons or analysis explain that conclusion.¹

¹ The Commissioner also notes that while the settlement agreement contemplates a general release, the terms of same are not disclosed.

Finally, the proposed settlement agreement purports to resolve both the instant tenure matter and an action filed by respondent claiming the right to overtime pay. However, the file for this settlement contains no papers relating to the latter litigation.

Accordingly, this case is hereby remanded to the Office of Administrative Law for action to perfect the settlement and Initial Decision, or for further proceedings as appropriate.

IT IS SO ORDERED.⁵

ACTING COMMISSIONER OF EDUCATION

Date of Decision: June 27, 2012

Date of Mailing: June 27, 2012

⁵ This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).