

EDU #10156-94
C # 348-96
SB # 66-96

DARREN RESSLER, :
 :
 PETITIONER-APPELLANT, :
 :
 V. :
 : STATE BOARD OF EDUCATION
 BOARD OF EDUCATION OF THE TOWN- :
 SHIP OF SADDLE BROOK, BERGEN : DECISION ON MOTION
 COUNTY, :
 :
 RESPONDENT-CROSS/APPELLANT.:

Decided by the Commissioner of Education, August 12, 1996

Remanded by the State Board of Education, February 4, 1998

Decision on remand by the Commissioner of Education, February 5, 1999

For the Petitioner-Appellant, Bucceri & Pincus (Louis P. Bucceri, Esq., of
Counsel)

For the Respondent-Cross/Appellant, Anthony N. Gallina, Esq.

The Board of Education of the Township of Saddle Brook (hereinafter "Board") filed a "notice of appeal" dated March 1, 1999 with the State Board of Education from a decision on remand issued by the Commissioner of Education on February 5, 1999. The Commissioner's decision adopted a stipulation of facts dated December 15, 1998 between the parties to this matter. The Board indicated that the purpose of its "notice of appeal" was "to expedite the issuance of a decision of the State Board of Education incorporating Paragraph #2 of the Stipulation of Facts as its final decision in compliance with the prior decision of the State Board of Education dated February 4, 1998 so that

this matter may be brought before the Superior Court of New Jersey, Appellate Division.”

In a letter dated March 5, 1999, the Director of the State Board Appeals Office advised the parties that since the Board was seeking the incorporation of the stipulation of facts rather than challenging a decision made by the Commissioner, the Board’s notice could more accurately be characterized as a motion to supplement the State Board’s decision of February 4, 1998 with that stipulation. Both parties subsequently expressed their agreement with this characterization.

After a review of the stipulation, we grant the motion. Accordingly, our February 4, 1998 decision is supplemented with Paragraph #2 of the stipulation of facts dated December 15, 1998 and attached to the Initial Decision rendered by the Administrative Law Judge in this matter on December 17, 1998.

May 5, 1999

Date of mailing _____