

PETER BARRY, :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
BOARD OF EDUCATION OF THE :
TOWNSHIP OF MENDHAM, :
MORRIS COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioner sought reimbursement for tuition payments made to respondent Board for a period of time in which it is alleged that petitioner's children attended schools in Mendham while residing out of district. Respondent filed a motion for summary decision on the basis that petitioners are not entitled to any relief in view of the fact that the payments were made pursuant to the terms of a prior settlement agreement between the parties.

The ALJ found, *inter alia*, that: petitioner entered into a settlement agreement with respondent, the terms of said agreement being clear and unambiguous; petitioner agreed to pay a reduced amount of tuition in three installments in order to avoid litigation; the intent of the agreement was to provide a full and final resolution of the tuition issue; nothing in the record evidences an expressed or apparent intent on the part of the parties to permit petitioners to later seek reimbursement of the monies paid; the settlement agreement is valid and binding upon the parties; and petitioner has failed to raise any genuine issue of material fact that would preclude summary decision in this matter. The ALJ granted respondent's motion for summary judgment, and dismissed the petition with prejudice.

Upon careful and independent review of the record, the Commissioner concurs with the ALJ that the parties reached and fulfilled a valid settlement of their underlying dispute, and petitioner is thus barred from seeking further relief with respect to it. Accordingly, the Initial Decision of the OAL, dismissing the petition, is adopted as the final decision in this matter.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.
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May 9, 2007

OAL DKT. NO. EDU 3894-06
AGENCY DKT. NO. 72-2/06

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner's exceptions were untimely filed and are consequently not considered herein.¹

Upon review, the Commissioner concurs with the Administrative Law Judge that the parties to this matter reached and fulfilled a valid settlement of their underlying dispute, thus barring petitioner from seeking further relief with respect to it.

Accordingly, the Initial Decision of the OAL, dismissing the Petition of Appeal, is adopted for the reasons well and fully set forth therein.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: May 9, 2007

Date of Mailing: May 9, 2007

¹ Pursuant to *N.J.A.C.* 1:1-18.4, exceptions were due thirteen days from the April 2, 2007 mailing date of the Initial Decision. Petitioner's exceptions bore a face date of April 15, 2007, but were postmarked April 23, 2007 and received by the Department on April 25, 2007.

² This decision may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*