

#136-10

OAL DKT. NO. EDU 8561-09
AGENCY DKT. NO. 157-7/09

IN THE MATTER OF THE TENURE :
HEARING OF SALVATORE PICCOLI, : COMMISSIONER OF EDUCATION
NEW JERSEY STATE DEPARTMENT OF : DECISION
CORRECTIONS, ALBERT C. WAGNER :
YOUTH CORRECTIONAL FACILITY. :
_____ :

The record of this matter, the parties' proposed Stipulation of Settlement, and the Initial Decision issued by the Office of Administrative Law (OAL) have been reviewed pursuant to *N.J.A.C.* 1:1-19.1.

Upon such review – notwithstanding that the terms of the parties' agreement as presented to the Commissioner are consistent with established standards governing settlement of tenure matters as set forth in *In re Cardonick*, decided by the Commissioner April 7, 1982, *aff'd* State Board of Education April 6, 1983, 1990 *S.L.D.* 842, 846 and *N.J.A.C.* 6A:3-5.6 – the Commissioner is reluctant to approve a settlement document evidencing numerous substantive handwritten alterations to the document's typewritten text with no concomitant indication, either in the document itself or elsewhere in the record, of acceptance of each such alteration by both parties through initialing or other generally recognized mechanism.

Accordingly, the Initial Decision recommending approval of the Stipulation of Settlement is rejected and this matter is remanded to the OAL for proper execution of the

settlement document, or for such proceedings as are necessary to bring the matter to closure should either party be unwilling to indicate acceptance of alterations as set forth above.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 4, 2010

Date of Mailing: May 4, 2010

* Pursuant to *P.L. 2008, c. 36 (N.J.S.A. 18A:6-9.1)*, Commissioner decisions are appealable to the Appellate Division of the Superior Court.