



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

DECISION
SUFFICIENCY OF COMPLAINT
OAL DKT. NO. EDS 09153-18
AGENCY DKT. NO. 2018/28338

T.E. and F.E. ON BEHALF OF N.E.,

Petitioner,

v.

RANDOLPH TOWNSHIP BOARD OF EDUCATION,

Respondent.

Richard Kaplow, Esq., for petitioners

Robin Ballard, Esq., for respondent (Schenck, Price, Smith &
King, LLP)

Record Closed: June 27, 2018

Decided: June 28, 2018

BEFORE: **JOANN LASALA CANDIDO**, ALAJ:

The petitioner filed a due process petition on June 22, 2018. On June 26, 2018, respondent filed a notice asserting that the complaint is insufficient as required by N.J.A.C. 6A:14-2.7(a) & (c). The Office of Special Education Programs transmitted this case to the Office of Administrative Law, where it was filed on June 27, 2018.

The District asserts that the Petition is flawed because:

“...The petition did not include Petitioners’ names, N.E.’s disability category or his name. The name of N.E.’s school of attendance (the Craig School) is supplied; however, it is a private placement located outside of Randolph Township. As such, the Board is thus not the local education agency responsible for N.E.’s education and any due process rights N.E. might have are limited by N.J.A.C. 6A:14-6.1.”

. . . .

In order to obtain a hearing on a due process complaint or to engage in a resolution session based upon a due process complaint, the petitioner’s due process complaint must provide information including the following: the name of the child; the address of the residence of the child, or, if homeless, available contact information for the child; the name of the school the child is attending; a description of the nature of the problem of the child relating to the proposed or refused initiation or change; the facts relating to the problem; and a proposed resolution to the problem, i.e., relief sought, to the extent known and available to the party at the time. 20 U.S.C. § 1415 (b)(7)(A); 34 C.F.R. § 300.508(b), (c).

After reviewing the petition, I **FIND** that the petition clearly states the name of petitioners, address, the school N.E. is attending, a description of the nature of the problem and a proposed resolution to the problem and relief they are seeking.

Having reviewed the petition for due process, I **CONCLUDE** that it includes the information required by statute and regulation and therefore is sufficient. I **ORDER** that the case be returned to OSEP and that the parties proceed with the resolution session or mediation.

This decision is final pursuant to 20 U.S.C. § 1415(g)(2) and is appealable by filing a petition and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C. § 1415(g)(2).



June 28, 2018

DATE

JOANN LASALA CANDIDO, ALAJ

Date Received at Agency:

June 28, 2018

Date Sent to Parties:

June 28, 2018

ljb