



State of New Jersey

OFFICE OF ADMINISTRATIVE LAW

DECISION

SUFFICIENCY OF PETITION

OAL DKT. NO. EDS 17283-19

AGENCY DKT. NO. 2020-30986

E.R. and L.R. on behalf of M.R.,

Petitioners,

v.

FREEHOLD TOWNSHIP BOARD

OF EDUCATION,

Respondent.

Jerry L. Tanenbaum, Esq., for petitioners (Mattleman, Weinroth & Miller, P.C.,
attorneys)

Isabel Machado, Esq., for respondent (Machado Law Group, attorneys)

Record Closed: December 10, 2019

Decided: December 13, 2019

BEFORE **EDWARD J. DELANOY, JR.**, ALAJ:

On or about December 4, 2019, petitioner filed a due process petition with the Department of Education, Office of Special Education Programs (OSEP). On or about December 10, 2019, respondent filed a notice asserting that the petition is insufficient for the following reasons: The petitioners have failed to allege any facts or description of the problem. Petitioners have completely left the section requiring that they provide a description of the nature of the problem and any facts related to the problem blank. Petitioners have not listed the student's district of residence, the school where the student attends, the district where the school is located, or the student's disability category. Respondent asserts that this is a clear violation of the applicable regulations and renders the petition ineligible.

The Office of Special Education Programs transmitted this case to the Office of Administrative Law, where it was filed on December 10, 2019.

In order to obtain a hearing on a due process petition or to engage in a resolution session based upon a due process petition, the petition 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 such proposed or refused initiation or change, including 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) and (c).

Upon review of the petition, the child's name and address are provided. However, petitioners have failed to list the name of the school the child is attending, and they have failed, in paragraph three of the petition, to provide a description of the nature of the problem of the child relating to such proposed or refused initiation or change, or the facts relating to the problem. Petitioners merely state, when asked about a proposed resolution to the problem in paragraph four of the petition, that the child "is owed hours from home instruction from last year." Petitioners have not presented any

facts in support of this allegation, and therefore, have not presented a basic platform sufficient to allow the school board, the District, and a reviewing tribunal the ability to understand the dispute that petitioners are raising. As such, I am not satisfied that petitioners have sufficiently outlined the facts relating to a special education problem, and this is fatal to the petition.

Specifically, the petition does include the following:

the name of the child.

the address of the residence of the child.

the name of the school the child is attending.

N/A the available contact information for a homeless child.

a description of the nature of the problem relating to the proposed or refused initiation or change.

the facts relating to the problem.

a proposed resolution to the problem to the extent known and available to the party at the time.

Therefore, having reviewed the petition for due process, I **CONCLUDE** that it does not include the information required by statute and regulation for a special education matter, and that it is therefore, insufficient. There is an insufficient description of the nature of the problem relating to the proposed initiation or change. In addition, petitioners have not sufficiently outlined the facts relating to a special education problem, and that is fatal to the petition.

I therefore **CONCLUDE** that the petition is insufficient and I **ORDER** the due process petition **DISMISSED**.

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).



December 13, 2019

DATE

EDWARD J. DELANOY, JR., ALAJ

Date Received at Agency:

Date Sent to Parties:

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