



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

DECISION
SUFFICIENCY OF COMPLAINT
OAL DKT. NO. EDS 03000-19
AGENCY DKT. NO. 2019-29413

S.B. & D.B. ON BEHALF OF O.B.,

Petitioner,

v.

**SUSSEX COUNTY VOCATIONAL
BOARD OF EDUCATION & STANHOPE
BOARD OF EDUCATION.,**

Respondents.

Julie Warshaw, Esq. on behalf of petitioner (Warshaw Law Firm, LLC)

Janet Lucas, Esq., on behalf of respondent Sussex County Vocational Board of
Education (Laddey, Clark & Ryan, attorneys)

Record Closed: March 4, 2019

Decided: March 4, 2019

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

The petitioner filed a due process petition on or about February 14, 2019. On February 28, 2019, respondent, Stanhope Board of Education, filed a notice asserting

that the complaint is insufficient and does not meet the requirements of N.J.A.C. 6A:14-2.7(a) & (c). The Office of Special Education Programs (OSEP) transmitted this case to the Office of Administrative Law, where it was filed on March 1, 2019.

The Stanhope Board of Education asserts in part that the Petition is flawed because:

“...petitioner’s allegations concern incidents that occurred well after O.B. left Stanhope’s schools, and which in no way involve Stanhope’s staff, students or decision making.

.

. . . . Petitioners are beyond the two-year statute of limitations thereby warranting dismissal of any claims against Stanhope.”

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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 attachment to the petition clearly states the student’s date of birth, school of attendance which is the Sussex County Technical School, the special education dispute in accordance with N.J.A.C. 6A:14-2.7(a) and the address of the residence of the child.

The purpose of the sufficiency challenge is to determine if it is clear what the due process complaint is seeking. In this matter, the petitioners seek their child remain in the current placement at Sussex County Vocational Technical School with services. Therefore, I **FIND** and **CONCLUDE** the petition sufficient. While there may be an issue

as to the appropriate parties to be named in the Petition, the Complaint itself specifically includes: the name and address of the child; the address of the residence of the child; the name of the school the child is attending; a description of the nature of the problem; the facts relating to the problem; and a proposed resolution to the problem. Therefore, I **ORDER** that the case be returned to the Office of Special Education 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).

March 4, 2019



DATE

JOANN LASALA CANDIDO, ALAJ

Date Received at Agency:

March 4, 2019

Date Sent to Parties:

March 4, 2019

ljb