



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

SUFFICIENCY CHALLENGE

OAL DKT. NO. EDS 10417-21

AGENCY DKT. NO. 2022-33663

M.P. ON BEHALF OF R.P.,

Petitioner,

v.

RAMAPO-INDIAN HILL REGIONAL

BOARD OF EDUCATION,

Respondent.

M.P., pro se

Stacey T. Cherry, Esq., for respondent (Fogarty & Hara, attorneys)

Record Closed: December 29, 2021

Decided: December 30, 2021

BEFORE **BARRY E. MOSCOWITZ, ALJ:**

STATEMENT OF THE CASE

This decision addresses a sufficiency challenge under 20 U.S.C. § 1415(c)(2)(A), 34 C.F.R. § 300.508(d) (2019), and N.J.A.C. 6A:14-2.7(f).

FINDINGS OF FACT

Based on the documents submitted concerning this sufficiency challenge, I **FIND** the following as **FACT**:

On December 13, 2021, petitioner filed a request for due process hearing with the Department of Education, Office of Special Education Policy and Dispute Resolution (SPDR).

On December 28, 2021, respondent filed a sufficiency challenge with SPDR under 20 U.S.C. § 1415(c)(2)(A), 34 C.F.R. § 300.508(d) (2019), and N.J.A.C. 6A:14-2.7(f), to determine whether this request for due process hearing meets the requirements of 20 U.S.C. § 1415(b)(7)(A).

On November 3, 2021, SPDR transmitted the case to the Office of Administrative Law (OAL) under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the Office of Administrative Law, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, and the Special Education Program, N.J.A.C. 1:6A-1.1 to -18.4.

In his request for due process hearing, petitioner writes that he is requesting the due process hearing because he has concerns about his son's health in school and quality of his son's education while isolated or quarantined at home. He also writes that a meeting was held on October 28, 2021, during which time it was agreed that his son would receive school assignments at home with a meeting with his teachers on Zoom once a week, which has never occurred. As a result, petition seeks compensatory education and an out-of-district placement.

CONCLUSIONS OF LAW

Under 20 U.S.C. § 1415(b)(7)(A)(ii)(III), a due process complaint may be filed "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." In this

case, respondent argues that the due process complaint does not concern any of these. I disagree. To me, a fair reading of the due process complaint indicates that petitioner complains of a denial of a free appropriate public education. Therefore, I **CONCLUDE** that the notice contained in the request for due process hearing is sufficient under 20 U.S.C. § 1415(b)(7)(A), and that the timelines for conducting a due process hearing should continue.

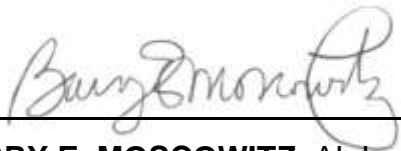
ORDER

Given my findings of fact and conclusions of law, I **ORDER** that the request for due process hearing is **SUFFICIENT**, and that the timelines for conducting a due process hearing shall continue.

This decision is final under 20 U.S.C. § 1415(i)(1)(A) and is appealable under 20 U.S.C. § 1415(g)(2) by filing a petition and bringing a civil action in the Law Division of the Superior Court of New Jersey or in a district court of the United States.

December 30, 2021

DATE



BARRY E. MOSCOWITZ, ALJ

Date Received at Agency:

January 3, 2022

Date Sent to Parties:

January 3, 2022

dr