



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION**

**SUFFICIENCY CHALLENGE**

OAL DKT. NO. EDS 15241-24

AGENCY DKT. NO. 2025-38269

**C.W. ON BEHALF OF M.W.,**

Petitioner,

v.

**SCHOOL DISTRICT OF THE CHATHAMS**

**BOARD OF EDUCATION,**

Respondent.

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**C.W.**, petitioner, pro se

**Frances L. Febres**, Esq., for respondent (Cleary, Giacobbe, Alfieri, Jacobs, LLC,  
attorneys)

Record Closed: November 6, 2024

Decided: November 7, 2024

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

**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 October 22, 2024, petitioner filed a request for due process hearing with the Department of Education, Office of Special Education (OSE), against respondent. Petitioner alleges that respondent refuses to provide bus transportation, and respondent counters that petitioner may not file a request for due process hearing over bus transportation. As a result, on October 28, 2024, respondent filed a sufficiency challenge with OSE 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).

On October 29, 2024, OSE 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 OAL, N.J.S.A. 52:14F-1 to -23, for a sufficiency determination 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.

### **CONCLUSIONS OF LAW**

Under 20 U.S.C. § 1415(b)(7)(A), a due process complaint must provide notice of the following:

- (I) the name of the child, the address of the residence of the child (or available contact information in the case of a homeless child), and the name of the school the child is attending;
- (II) in the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), available contact information for the child and the name of the school the child is attending;

(III) a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem; and

(IV) a proposed resolution of the problem to the extent known and available to the party at the time.

[20 U.S.C. § 1415(b)(7)(A)(ii).]

In this case, respondent argues that the petition is insufficient under 20 U.S.C. § 1415(b)(7)(A) because the complaint does not concern the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child under 20 U.S.C. § 1415(b)(6)(B). Such an argument, however, is misplaced. In other words, the improper pleading does not render the due process complaint insufficient, and upon review, it still satisfies all notice requirements—including the nature of the problem. Therefore, I **CONCLUDE** that the petition is sufficient under 20 U.S.C. § 1415(b)(7)(A), and that respondent may renew its argument before the judge assigned to the case.

### **ORDER**

Given my findings of fact and conclusions of law, I **ORDER** that the sufficiency challenge is **DENIED**, and that the timelines for conducting a due process hearing must **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 the United States District Court for the State of New Jersey.

November 7, 2024

DATE

  
**BARRY E. MOSCOWITZ**  
Acting Director and Chief ALJ

Date Received at Agency:

November 7, 2024

Date Sent to Parties:

November 7, 2024

dr