



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

**FINAL DECISION**

**SUFFICIENCY CHALLENGE**

OAL DKT. NO. EDS 00298-25

AGENCY DKT. NO. 2025-38476

**K.D. AND C.D. ON BEHALF OF C.D.,**

Petitioners,

v.

**WATCHUNG HILLS REGIONAL BOARD  
OF EDUCATION AND GREENBROOK  
TOWNSHIP BOARD OF EDUCATION,**

Respondent.

---

**K.D. and C.D.**, petitioners, pro se

**Robin S. Ballard**, Esq., for respondent, Watchung Hills Regional Board of  
Education (Schenck, Price, Smith & King, LLP)

**Isabel Machado**, Esq., for respondent, Greenbrook Township Board of Education  
(Machado Law Group, attorneys)

Record Closed: January 13, 2025

Decided: January 13, 2025

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 December 20, 2024, petitioners filed a request for due process hearing with the Department of Education, Office of Special Education (OSE), against respondents. Petitioners allege that the LEA did not allow them to participate in the IEP meeting on December 19, 2024; that the LEA provided an IEP without their input; and that the IEP does not confer a FAPE for their child. On January 6, 2025, respondent, Green Brook Township Board of Education, 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), alleging that it is not the LEA identified in the due process complaint. January 6, 2025, the 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 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.

## **CONCLUSIONS OF LAW**

Under 20 U.S.C. § 1415(b)(7)(A), a due process complaint must provide notice of the name of the child and a description of the child, among other things:

- (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, petitioners provided notice of the all the requirements contained in 20 U.S.C. § 1415(b)(7)(A)(ii). Greenbrook, however, argues that the petition is insufficient because it is not the LEA identified in the due process complaint. Such an argument, however, is premature. No competent evidence currently exists to make such a determination; such an argument is more appropriate for a motion to dismiss. Accordingly, I **CONCLUDE** that the notice contained in the due process complaint is sufficient under 20 U.S.C. § 1415(b)(7)(A), and that Greenbrook 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.

January 13, 2025

DATE



**BARRY E. MOSCOWITZ**

Acting Director and Chief ALJ

Date Received at Agency:

January 13, 2025

Date Sent to Parties:

January 13, 2025

ljb