



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

SUFFICIENCY CHALLENGE

OAL DKT. NO. EDS 02935-25

AGENCY DKT. NO. 2025-38634

V.H. ON BEHALF OF C.D.,

Petitioner,

v.

NORTH HUNTERDON-VOORHEES

REGIONAL HIGH SCHOOL DISTRICT

BOARD OF EDUCATION,

Respondent.

Erika Hill, Parent Advocate, for petitioner under N.J.A.C. 1:1-5.4(a)(7)

Andrew W. Li, Esq., for respondent (Comegno Law Group, P.C., attorneys)

Record Closed: February 20, 2025

Decided: February 25, 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 February 10, 2025, petitioner filed a request for due process hearing with the Department of Education, Office of Special Education, against respondent, North Hunterdon-Voorhees Regional High School District. Petitioner alleges that the Hunterdon County Vocational School District removed her son from his school program, the animal science program at the Hunterdon County Polytech Career & Technical School, in violation of his individualized educational program and his right to a free and appropriate public education.

Since petitioner filed her request against respondent—not the Hudson County Vocational School District or the Hunterdon County Polytech Career & Technical School—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).

Upon receipt, the Office of Special Education transmitted the case to the Office of Administrative Law 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.

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, petitioner failed to provide notice of the school her child was attending. She did not even provide notice of the school district where her child was attending. As a result, I **CONCLUDE** that the notice contained in the due process complaint is insufficient under 20 U.S.C. § 1415(b)(7)(A), and that this case be dismissed.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that the due process complaint in this case is **INSUFFICIENT**, and that this case is **DISMISSED**.

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.

February 25, 2025

DATE


BARRY E. MOSCOWITZ

Acting Director and Chief ALJ

Date Received at Agency:

February 25, 2025

Date Sent to Parties:

February 25, 2025

dr