

**State of New Jersey**

OFFICE OF ADMINISTRATIVE LAW

**DECISION**

**SUFFICIENCY OF COMPLAINT**

OAL DKT. NO. EDS 9495-14

AGENCY DKT. NO. 2015 21442

**L.R. on behalf of J.R.,**

Petitioner,

v.

**CAMDEN CITY BOARD OF**

**EDUCATION,**

Respondent.

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**Jamie Epstein, Esq.,** for petitioner

**Lester Taylor, Esq.,** for respondent (Florio, Perrucci, Steinhardt & Fader,  
attorneys)

Record Closed: July 23, 2014

Decided: July 31, 2014

BEFORE **LISA JAMES-BEAVERS, ALJ:**

On July 1, 2014, petitioner filed a due process complaint with the Department of Education, Office of Special Education Programs. On July 23, 2014, respondent filed a notice asserting that the complaint is insufficient for the following reasons: the request for a due process hearing does not refer to issues imbedded in special education law. 20 U.S.C. § 1415(c)(2)(A); 34 C.F.R. § 300.508(d)). The Office of Special Education

Programs transmitted this case to the Office of Administrative Law, where it was filed on July 28, 2014.

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).

Having reviewed the filed complaint, I find and conclude that it includes all of the required information and is therefore sufficient. Respondent's concern with the petitioner's requested relief not being appropriately the subject of a due process petition is more appropriately determined by a motion to dismiss, which respondent has already filed. 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 complaint 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).

July 31, 2014

DATE

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**LISA JAMES-BEAVERS, ALJ**

Date Received at Agency:

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Date Sent to Parties:

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