



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

DECISION
SUFFICIENCY OF COMPLAINT
OAL DKT. NO. EDS 07779-18
AGENCY DKT. NO. 2018/28112

T.E. and F.E. ON BEHALF OF N.E.,

Petitioner,

v.

RANDOLPH TOWNSHIP BOARD OF EDUCATION,

Respondent.

Gail Libertucci, Advocate, for petitioners

Robin Ballard, Esq., for respondent (Schenck, Price, Smith &
King, LLP)

Record Closed: June 1, 2018

Decided: June 1, 2018

BEFORE: **JOANN LASALA CANDIDO**, ALAJ:

The petitioner filed a due process petition on May 24, 2018. On May 31, 2018, respondent filed a notice asserting that the complaint is insufficient as required by N.J.A.C. 6A:14-2.7(a) & (c). The Office of Special Education Programs transmitted this case to the Office of Administrative Law, where it was filed on June 1, 2018.

The District asserts that the Petition is flawed because:

...The instant Petition does not present relevant facts, the specific disputed issue(s) or what relief is being sought, as required by N.J.A.C. 6A:14-2.7(a). The Petition is insufficient also because the child is in a private school located outside of Randolph Township.

. . . .

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).

After reviewing the petition, I **FIND** that the petitioners have not clearly provided the requisite information pertaining to their child's educational services nor do they provide relative facts to support a claim when naming Randolph School District. I do **FIND** that the petitioners have stated the relief that they seek, namely an out of district placement. However, there is no underlying clear dispute as to the child's educational program.

Having reviewed the petition, I **FIND** and **CONCLUDE** that the Petition is insufficient for the reasons stated.

I therefore **CONCLUDE** that the petition is insufficient and I **ORDER** the due process petition **DISMISSED**.

This decision is final pursuant to 20 U.S.C. § 1415(g)(2) and is appealable by filing a petition 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).



June 1, 2018

DATE

JOANN LASALA CANDIDO, ALAJ

Date Received at Agency:

June 1, 2018

Date Sent to Parties:

ljb