



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

DECISION
SUFFICIENCY OF COMPLAINT
OAL DKT. NO. EDS 14013-18
AGENCY DKT. NO. 2019/28705

B.R. ON BEHALF OF C.R.,

Petitioner,

v.

**MOUNT OLIVE TOWNSHIP BOARD
OF EDUCATION.,**

Respondents.

B.R., petitioner, pro se

Alison Kenny, Esq., for petitioner (Schenck, Price, Smith & King, LLP)

Record Closed: September 28, 2018

Decided: September 28, 2018

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

The petitioner filed a due process petition on August 24, 2018. On September 11, 2018, respondent filed a notice asserting that the complaint is insufficient and does not meet the requirements of N.J.A.C. 6A:14-2.7(a) & (c). The Office of Special

Education Programs (OSEP) transmitted this case to the Office of Administrative Law, where it was filed on September 27, 2018.

The respondent asserts in part that the Petition is flawed because:

“...The underlying Request for Due Process fails to meet the requirements of N.J.A.C. 6A:14-2.7, as the request does not include the student’s date of birth or school of attendance. More importantly, the Request fails to present a special education dispute in accordance with N.J.A.C. 6A:14-2.7(a), as section two of the Parental Request for Mediation/Due Process Hearing/Expedited Due Process Hearing form – which requires- which requires a brief description of the problem is completely missing. . . .”

. . . .

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 attachment to the petition clearly states the student’s date of birth. The petition does include the school of attendance which is the Mount Olive High School. However, the petition does not include a special education dispute in accordance with N.J.A.C. 6A:14-2.7(a).

Having reviewed the petition for due process, I **CONCLUDE** that it does not include the information required by statute and regulation and therefore is, not sufficient. I **ORDER** that the case be returned to OSEP 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 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).



September 28, 2018

DATE

JOANN LASALA CANDIDO, ALAJ

Date Received at Agency:

September 28, 2018

Date Sent to Parties:

ljb