



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

DECISION

SUFFICIENCY OF COMPLAINT

OAL DKT. NO. EDS 02289-19

Agency No.: 2019 29353

A.S. and J.S. ON BEHALF OF T.S.,

Petitioners,

v.

FLORHAM PARK BOARD OF EDUCATION,

Respondent.

A.S., pro se petitioner

Frances Febres, Esq. (Cleary, Giacobbe, Alfieri, Jacobs, LLC)

Record Closed: February 19, 2019

Decided: February 20, 2019

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

On February 4, 2019, Petitioner converted a mediation to a due process petition on behalf of minor child T.S., seeking to have T.S. placed in a general education classroom for social studies. On February 14, 2019, respondent filed a notice stating that the complaint is insufficient pursuant to N.J.A.C. 6A:14-2.7. The Office of Special Education Programs transmitted this case to the Office of Administrative Law (OAL), where it was filed on February 14, 2019.

In this matter, respondent maintains that the petition is insufficient because:

“ . . .the parents have not alleged a deprivation of FAPE nor have they alleged a procedural violation... Petitioners have not articulated any reason why they think his current placement is inappropriate...”

Petitioner seeks to amend the IEP to place T.S. in a general education social studies class, asserting that she was advised at the beginning of the school year she could change T.S.’ self-contained social studies class at any time to a general education social studies class.

. . . .

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 the petition provides sufficient information for the respondents to determine the relief that the petitioner seeks. The petition includes: the name and address of the student and the name of the school that T.S. attends; a description of the nature of the problem and the proposed resolution to the problem. Specifically, the parents are seeking a revision of the IEP for a change from a self-contained social studies class to a general education social studies class for the remainder of the school year.

Based upon the foregoing, I **CONCLUDE** that the Petition is sufficient to proceed.

I **ORDER** that this case under Docket. EDS 02289-19 be returned to the Office of Special Education Programs and that the parties proceed with the resolution 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).



February 20, 2019

DATE

JOANN LASALA CANDIDO, ALAJ

Date Received at Agency:

February 20, 2019

Date Sent to Parties:

February 20, 2019

ljb