



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**FINAL DECISION**

**SUFFICIENCY CHALLENGE**

OAL DKT. NO. EDS 00715-20

AGENCY DKT. NO. 2020-31093

**C.R. ON BEHALF OF C.R.,**

Petitioner,

v.

**ROSELLE PARK BORO**

**BOARD OF EDUCATION,**

Respondent.

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Record Closed: January 22, 2020

Decided: January 22, 2020

BEFORE **BARRY E. MOSCOWITZ**, ALJ:

**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).

**PROCEDURAL HISTORY AND FINDINGS OF FACT**

Based on the documents submitted regarding this sufficiency challenge, I **FIND** the following as **FACT**:

On December 16, 2019, petitioner filed a request for due process hearing with the Department of Education, Office of Special Education Programs (OSEP). In her petition, petitioner explains that she disagrees with the program and placement of her son. She writes, "District wants to change placement of student. Parent disagrees with change based on history of regressing." Her description of how the problem could be resolved: "Student should stay put until District can provide similar programming offering sign language, vocational training, [and] job support." This request bears agency docket or reference number 2020-31016.

On January 2, 2020, petitioner filed another request for due process hearing with OSEP. In that petition, petitioner asserts that respondent falsified a notice to force the change in program and placement for her son. She writes, "District falsified meeting notice to force parents into unscheduled IEP meetings with only intent to change placement of new student." Her description of how the problem could be resolved: "Parent not in agreement with revising IEP and filed for mediation the same day as meeting." This second request bears agency docket or reference number 2020-31093.

On January 13, 2020, respondent filed a sufficiency challenge to this second request for due process hearing 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).

On January 15, 2020, OSEP transmitted the sufficiency challenge to the Office of Administrative Law to determine whether this second request for due process hearing meets the requirements of 20 U.S.C. § 1415(b)(7)(A).

### **CONCLUSIONS OF LAW**

Under 20 U.S.C. § 1415(b)(7)(A), a due process complaint must provide notice of the following:

- (l) 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, the second due process complaint does not contain a proposed resolution of the problem. The complaint merely states that petitioner does not agree with the IEP. Therefore, I **CONCLUDE** that the notice contained in the second due process complaint is insufficient.

As a practical matter, this issue concerning placement is also raised in the first due process complaint, which is not challenged, so it may still be addressed in that proceeding.

### **ORDER**

Given my findings of fact and conclusions of law, I **ORDER** that the request for due process hearing bearing agency reference number 2020-31093 be **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 a district court of the United States.

January 22, 2020

DATE

  
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**BARRY E. MOSCOWITZ, ALJ**

Date Received at Agency:

January 23, 2020

Date Sent to Parties:

January 23, 2020

dr