



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

SUFFICIENCY CHALLENGE

OAL DKT. NO. EDS 00637-25

AGENCY DKT. NO. 2025-38519

L.J. ON BEHALF OF J.P.,

Petitioners,

v.

BAYONNE CITY BOARD OF EDUCATION,

Respondent.

L.J. and J.P. petitioners, pro se

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

Record Closed: January 13, 2025

Decided: January 13, 2025

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

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).

FINDINGS OF FACT

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

On January 6, 2025, petitioner filed a request for due process hearing with the Department of Education, Office of Special Education (OSE), against respondent. Petitioner alleges, "I am not ok with the decision that was made on my child's IEP and am requesting that she not b." Petitioner alleges nothing more. As a result, on January 9, 2025, respondent filed a sufficiency challenge with OSE 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), asserting that this due process complaint does not meet the requirements of 20 U.S.C. § 1415(b)(7)(A).

On January 9, 2025, OSE transmitted the case to the Office of Administrative Law (OAL) under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, and the Special Education Program, N.J.A.C. 1:6A-1.1 to -18.4.

CONCLUSIONS OF LAW

Under 20 U.S.C. § 1415(b)(7)(A), a due process complaint must describe the nature of the problem, including any facts related to the problem, among other things:

- (I) 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, petitioner failed to describe the nature of the problem, including any facts related to the problem. Petitioner does not even allege a complete sentence. As a result, I **CONCLUDE** that the notice contained in the due process complaint is insufficient under 20 U.S.C. § 1415(b)(7)(A), and that this case must be dismissed.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that the due process complaint in this case is **INSUFFICIENT**, and that this case is **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 the United States District Court for the State of New Jersey.

January 13, 2025

DATE



BARRY E. MOSCOWITZ

Acting Director and Chief ALJ

Date Received at Agency:

January 13, 2025

Date Sent to Parties:

January 13, 2025

ljb