



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

SUFFICIENCY CHALLENGE

OAL DKT. NO. EDS 14695-25

AGENCY DKT. NO. 2026-39620

L.U. ON BEHALF OF T.A.,

Petitioner,

v.

CHERRY HILL TOWNSHIP

BOARD OF EDUCATION,

Respondent.

L.U., petitioner, pro se

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

Record Closed: August 26, 2025

Decided: August 27, 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 August 13, 2025, petitioner filed a request for due process hearing with the Department of Education, Office of Special Education (OSE), against respondent, Cherry Hill Township Board of Education. In her request for due process hearing, petitioner writes that she disagrees with the child study team's recommendation that her daughter attend the Coles Program at Cherry Hill East High School because she does not want her daughter to attend an alternative school program. Petitioner also writes that she does not want her daughter to attend Cherry Hill East High School because she has a restraining order against the father of two students who currently attend Cherry Hill East High School. Finally, petitioner writes that this case can be resolved if her daughter does not attend Cherry Hill East High School and attends Cherry Hill West High School instead.

On August 20, 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).

Upon receipt, 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 provide notice of the following:

(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 describes the nature of the problem, including facts related to such problem, but none of these alleged facts concern special education and related services. Petitioner merely states her preference for one school over another and her problem with one parent of two students. 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 be dismissed.

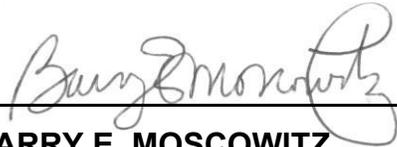
ORDER

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.

August 27, 2025

DATE



BARRY E. MOSCOWITZ

Acting Director and Chief ALJ

Date Received at Agency:

August 27, 2025

Date Sent to Parties:

August 27, 2025

dr