



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

SUFFICIENCY CHALLENGE

OAL DKT. NO. EDS 20091-25

AGENCY DKT. NO. 2026-40066

M.K. AND Y.X. ON BEHALF OF G.K.,

Petitioners,

v.

GLEN ROCK BORO BOARD OF EDUCATION,

Respondent.

M.K. and Y.X., petitioners, pro se

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

Record Closed: December 8, 2025

Decided: December 8, 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 November 21, 2025, petitioners, M.K. and Y.X. on behalf of G.K., filed a request for due process hearing with the Department of Education, Office of Special Education (OSE), against respondent, Glen Boro Board of Education. In their request for due process hearing, petitioners allege that respondent collected behavioral data of their child in violation of federal and state law but assert that this can be resolved if respondent ceases collecting the data. On December 2, 2025, respondent filed a sufficiency challenge with the 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). In its sufficiency challenge, respondent argues that petitioners' due process complaint does not allege a special education dispute for which petitioners can request a due process hearing under the law. On that same date, the 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, respondent argues that petitioners' due process complaint does not allege a special education dispute for which petitioners can request a due process hearing under the law. Whether petitioners allege a special education dispute for which petitioners can request a due process hearing, however, is not the issue. The issue is whether petitioners have provided notice of the items above. In short, petitioners have. Therefore, I **CONCLUDE** that the notice contained in the due process complaint is sufficient under 20 U.S.C. § 1415(b)(7)(A).

This conclusion notwithstanding, respondent may renew its argument before the judge assigned to hear this case.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that the sufficiency challenge is **DENIED**, and that the timelines for conducting a due process hearing must **CONTINUE**.

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.

December 8, 2025

DATE



BARRY E. MOSCOWITZ

Acting Director and Chief ALJ

Date Received at Agency:

December 8, 2025

Date Sent to Parties:

December 8, 2025

dr