



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

SUFFICIENCY CHALLENGE

OAL DKT. NO. EDS 21698-25

AGENCY DKT. NO. 2026-40146

R.R. ON BEHALF OF J.R.,

Petitioner,

v.

**PATERSON CITY BOARD OF EDUCATION;
MOUNTAINSIDE BOARD OF EDUCATION; and
SOMERSET HILLS REGIONAL SCHOOL
DISTRICT BOARD OF EDUCATION,**

Respondents.

Esther M. Canty-Barnes, Esq., for petitioner (Rutgers Education and Health Law Clinic, attorneys)

Cherie L. Adams, Esq., for respondent, Paterson City Board of Education (Adams, Gutierrez & Lattiboudere, attorneys)

Isabel Machado, Esq., for respondent, Mountainside Board of Education (Machado Law Group, attorneys)

Eric L. Harrison, Esq., for respondent, Somerset Hills Regional School District Board of Education (Methfessel & Werbel, attorneys)

Record Closed: December 29, 2025

Decided: December 29, 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 December 12, 2025, petitioner, R.R. on behalf of J.R., filed a request for due process hearing with the Department of Education, Office of Special Education (OSE), against respondents, Paterson Board of Education, Mountainside Board of Education, and Somerset Hills Regional School District Board of Education. In her request for due process, R.R. alleges that respondents failed to identify J.R. as a student with a disability, determine that he was eligible for special education and related services, and provide him with free, appropriate, public education (FAPE) under federal and state law.

On December 22, 2025, Mountainside and Somerset Hills filed sufficiency challenges 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 their sufficiency challenges, both Mountainside and Somerset Hills argue that neither had a legal obligation to identify J.R. as a student with a disability, determine whether he was eligible for special education and related services, or provide J.R. with FAPE because he was never enrolled or registered in either of their school districts. In addition, Mountainside argues that it had no legal obligation to J.R. because he was never domiciled in Mountainside. Similarly, Somerset Hills argues that it had no legal obligation to J.R. because he never resided in Somerset Hills.

On December 23, 205, the OSE transmitted the sufficiency challenges 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 determination 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 include 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, respondents Mountainside and Somerset Hills argue that neither had a legal obligation to identify J.R. as a student with a disability, determine whether he was eligible for special education and related services, or provide J.R. with FAPE because he was never enrolled or registered in either of their school districts. In addition, Mountainside argues that it had no legal obligation to J.R. because he was never domiciled in Mountainside. Similarly, Somerset Hills argues that it had no legal obligation to J.R. because he never resided in Somerset Hills.

These arguments, however, do not address the sufficiency of the complaint. They address the merits of the case. Meanwhile, the due process complaint provides notice of all the requirements delineated in 20 U.S.C. § 1415(b)(7)(A)(ii). Therefore, I **CONCLUDE** that the notice contained in the due process complaint is sufficient under 20 U.S.C. § 1415(b)(7)(A).

Respondents may renew their arguments to dismiss this case before the judge assigned to hear this case.

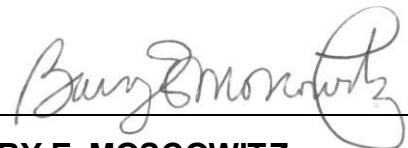
ORDER

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 29, 2025

DATE



BARRY E. MOSCOWITZ

Acting Director and Chief ALJ

Date Received at Agency:

Date Sent to Parties:

jb