



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

**FINAL DECISION**

**SUFFICIENCY CHALLENGE**

OAL DKT. NO. EDS 21700-25

AGENCY DKT. NO. 2026-40165

**A.M. ON BEHALF OF K.S.,**

Petitioner,

v.

**PISCATAWAY TOWNSHIP**

**BOARD OF EDUCATION,**

Respondent.

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**A.M.**, petitioner, pro se

**David B. Rubin**, Esq., for respondent

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 18, 2025, petitioner, A.M. on behalf of K.S., filed a request for due process hearing with the Department of Education, Office of Special Education (OSE), against respondent, Piscataway Township Board of Education. In her request for due process hearing, petitioner alleges that her son has been bullied and must be removed from Piscataway High School and placed at a neighboring high school. On December 20, 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 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 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. This argument, however, does not address the sufficiency of the complaint. It addresses 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).

Respondent may renew its argument 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