



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

**FINAL DECISION**

**SUFFICIENCY CHALLENGE**

OAL DKT. NO. EDS 01533-26

AGENCY DKT. NO. 2026-40300

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

Petitioners,

v.

**GLEN ROCK BORO BOARD OF EDUCATION,**

Respondent.

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

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

Record Closed: February 2, 2026

Decided: February 3, 2026

BEFORE **BARRY E. MOSCOWITZ**, Director and Chief ALJ:

**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 20, 2026, petitioners, M.K. and Y.K. 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 Rock Boro Board of Education. In their request for due process hearing, petitioners assert that respondent denied their son a free, appropriate public education (FAPE) because respondent excluded them from the individualized educational program (IEP) process. Petitioners conclude that this case can be resolved by including them in the IEP process.

In response, on January 28, 2026, 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 asserts that petitioners filed a request for due process hearing that fails to identify a dispute related to special education as required by 20 U.S.C. § 1415 and N.J.A.C. 6A:14-2.7. Respondent writes that petitioners failed to identify an issue relating to “identification, evaluation, classification, education placement, the provision of [FAPE], or disciplinary action.” As such, respondent concludes that petitioners filed a request for due process hearing for which a due process hearing is unavailable.

On that same date, January 28, 2026, the OSE transmitted the sufficiency challenge 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.

## **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, respondent claims that petitioners filed a request for due process hearing for which a due process hearing is unavailable. This argument, however, does not address the sufficiency of the complaint. It addresses the merits of the case. Meanwhile, the due process complaint does, in fact, allege an issue for which a due process hearing is available, namely the denial of FAPE. It also provides notice of all the requirements under 20 U.S.C. § 1415(b)(7)(A). Therefore, I **CONCLUDE** that the notice contained in the due process complaint is sufficient under the law.

Parenthetically, indications exist that this case must be dismissed before the judge assigned to hear the case. First, indications exist that this request for due process hearing alleges many of the same factual and legal disputes contained in OAL Dkt. No. EDS 01533-26. Second, indications exist that some of these factual and legal disputes had previously been decided in earlier actions, including OAL Dkt. No. EDS 18366-25 and OAL Dkt. No. EDS 19182-25. Accordingly, respondent may renew its application to dismiss this case before the judge assigned to hear this case.

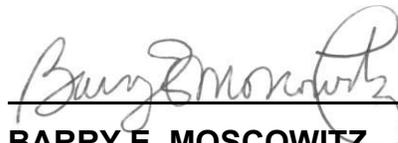
**ORDER**

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.

February 3, 2026

DATE



**BARRY E. MOSCOWITZ**

Director and Chief ALJ

Date Received at Agency:

February 3, 2026

Date Sent to Parties:

February 3, 2026

dr