



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION DENYING

SUFFICIENCY CHALLENGE

OAL DKT. NO. EDS 09348-26

AGENCY DKT. NO. 2026-41195

D.G. AND S.G. ON BEHALF OF R.G.,

Petitioners,

v.

**MARLBORO TOWNSHIP BOARD OF
EDUCATION AND FREEHOLD REGIONAL,**

Respondent.

Hillary D. Freeman, for petitioners (Freeman Law Offices, LLC, attorneys)

Isabel Machado, Esq., for Marlboro Township BOE (Machado Law Group,
attorneys)

Andrew W. Li, Esq., for Freehold Regional (Comegno Law Group, P.C., attorneys)

Record Closed: June 17, 2026

Decided: June 18, 2026

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 in support of and in opposition to this sufficiency challenge, I **FIND** the following as **FACT**:

On June 5, 2026, petitioners filed a request for due process hearing with the Department of Education, Office of Special Education (OSE), against respondents. In their due process complaint, petitioners seek, among other things, that R.G. remain in his current educational placement, The Newgrange School. Petitioners name the Freehold Regional School District as a respondent because petitioners contend that the Freehold Regional School District will be the local education agency responsible for maintaining the current education placement in the upcoming school year,

On June 8, 2026, the Freehold Regional School District 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), asserting that this due process complaint does not meet the requirements of 20 U.S.C. § 1415(b)(7)(A), because R.G. is not yet a student within the Freehold Regional School District and is, therefore, not yet the local education agency responsible for maintaining the current education placement at The New Grange School.

On June 9, 2026, the OSE transmitted the case to the Office of Administrative Law (OAL) under the act establishing the OAL, N.J.S.A. 52:14F-1 to -23, and the Special Education rules, N.J.A.C. 6A:14-1.1 to -10.2, for a hearing under the Special Education Program hearing rules, 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, the Freehold Regional School District argues that petitioners' due process complaint is insufficient because R.G. is not yet a student within the Freehold Regional School District and is, therefore, not yet the local education agency responsible for maintaining the current education placement at The New Grange School. Whether the Freehold Regional School District is the local education agency responsible for maintaining the current education placement, however, is not an issue for a sufficiency challenge under 20 U.S.C. § 1415(b)(7)(A). The issue is whether petitioners have provided notice of the items listed above. Since petitioners have done so, I **CONCLUDE** that the notice contained in the due process complaint is sufficient under 20 U.S.C. § 1415(b)(7)(A).

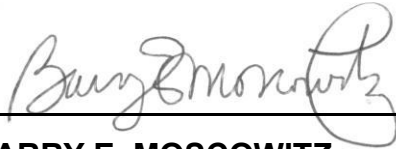
ORDER

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 N.J.A.C. 6A:14-2.7(l) and is appealable by bringing a civil action in the Law Division of the Superior Court of New Jersey or in a district court of the United States under 20 U.S.C. § 1415(i)(2) and N.J.A.C. 6A:14-2.7(v).

June 18, 2026

DATE

A handwritten signature in black ink, appearing to read "Barry E. Moscovitz", is written over a horizontal line.

BARRY E. MOSCOWITZ

Director and Chief ALJ

Date Received at Agency:

June 18, 2026

Date Sent to Parties:

June 18, 2026

dr