

State of New Jersey

OFFICE OF ADMINISTRATIVE LAW

DECISION

SUFFICIENCY OF COMPLAINT

OAL DKT. NO. EDS 9495-14

AGENCY DKT. NO. 2015 21442

L.R. on behalf of J.R.,

Petitioner,

v.

CAMDEN CITY BOARD OF

EDUCATION,

Respondent.

Jamie Epstein, Esq., for petitioner

Lester Taylor, Esq., for respondent (Florio, Perrucci, Steinhardt & Fader,
attorneys)

Record Closed: July 23, 2014

Decided: July 31, 2014

BEFORE **LISA JAMES-BEAVERS, ALJ:**

On July 1, 2014, petitioner filed a due process complaint with the Department of Education, Office of Special Education Programs. On July 23, 2014, respondent filed a notice asserting that the complaint is insufficient for the following reasons: the request for a due process hearing does not refer to issues imbedded in special education law. 20 U.S.C. § 1415(c)(2)(A); 34 C.F.R. § 300.508(d)). The Office of Special Education

Programs transmitted this case to the Office of Administrative Law, where it was filed on July 28, 2014.

In order to obtain a hearing on a due process complaint or to engage in a resolution session based upon a due process complaint, the petitioner's due process complaint must provide information including the following: the name of the child; the address of the residence of the child, or, if homeless, available contact information for the child; the name of the school the child is attending; a description of the nature of the problem of the child relating to the proposed or refused initiation or change; the facts relating to the problem; and a proposed resolution to the problem, i.e., relief sought, to the extent known and available to the party at the time. 20 U.S.C. § 1415 (b)(7)(A); 34 C.F.R. § 300.508(b), (c).

Having reviewed the filed complaint, I find and conclude that it includes all of the required information and is therefore sufficient. Respondent's concern with the petitioner's requested relief not being appropriately the subject of a due process petition is more appropriately determined by a motion to dismiss, which respondent has already filed. Therefore, I **ORDER** that the case be returned to the Office of Special Education and that the parties proceed with the resolution session or mediation.

This decision is final pursuant to 20 U.S.C. § 1415(g)(2) and is appealable by filing a complaint and bringing a civil action either in the Law Division of the Superior Court of New Jersey or in a district court of the United States. 20 U.S.C. § 1415(g)(2).

July 31, 2014

DATE

LISA JAMES-BEAVERS, ALJ

Date Received at Agency:

Date Sent to Parties:

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