



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

FINAL DECISION

SUFFICIENCY OF COMPLAINT

OAL DKT. NO. EDS 08517-19

AGENCY DKT. NO. 2019 30052

L.D. ON BEHALF OF M.M.,

Petitioner,

v.

**TOMS RIVER REGIONAL BOARD OF
EDUCATION,**

Respondent.

L.D on behalf of M.M., petitioner, pro se

R. Taylor Ruilova, Esq., for respondent (Comegno Law Group, attorneys)

Record Closed: June 24, 2019

Decided: June 25, 2019

BEFORE **ELLEN S. BASS, ALJ:**

Petitioner, L.D. on behalf of her child, M.M., filed a request for due process and emergent relief under N.J.A.C. 6A:14-2.7, on June 5, 2019. On June 24, 2019, the Toms River Regional Board of Education (the Board) filed a notice asserting that the petition is insufficient. N.J.A.C. 6A:14-2.7(f); 20 U.S.C. §1415(c)(2)(A); 34 C.F.R. §300.508(d). The Office of Special Education Programs (OSEP) transmitted the due process request to the Office of Administrative Law (OAL) for a sufficiency ruling, where it was filed on June 24, 2019. The emergent application was not accepted by OSEP.

N.J.A.C. 6A:14-2.7(f) provides that “a request for a due process hearing or expedited due process hearing (for disciplinary issues) serves as notice to the respondent of the issues in the due process complaint.” Via its request for a sufficiency ruling, the Board urges that this request does not appropriately or adequately apprise it of the issues in contention.

In order to obtain a hearing on a due process complaint, or to engage in a resolution session, the petitioner must provide the following information: 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).

I **FIND** that the petition does not meet the requirements of law and regulation. I have carefully reviewed it, and much like the Board, am unable to discern the facts that give rise to a claim for relief, nor can I discern the relief sought. As the Board correctly notes, the petition contains no coherent statement of facts whatsoever. And the petition is similarly vague in its description of the relief sought.

I therefore **CONCLUDE** that the petition is insufficient, and I **ORDER** the due process petition **DISMISSED**.

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); 34 C.F.R. § 300.516 (2007).

June 25, 2019



DATE

ELLEN S. BASS, ALJ

Date Received at Agency

June 25, 2019

Date Mailed to Parties:

sej