IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

C.P. individually and o/b/o F.P., a minor child, D.O. individually and o/b/o M.O., S.B.C. individually and o/b/o C.C., A.S. individually and o/b/o A.A.S., M.S., individually and o/b/o H.S., Y.H.S. individually and o/b/o C.H.S., E.M. o/b/o C.M., M.M. individually and o/b/o K.M., L.G. individually and o/b/o T.M., E.P. individually and o/b/o Ea. P., and on behalf of ALL OTHERS SIMILARLY SITUATED Plaintiffs, -against- NEW JERSEY DEPARTMENT OF EDUCATION; KEVIN DEHMER, Acting Commissioner of Education, in his official capacity Defendants.	Docket No.: 1:19-12807 **CERTIFICATION OF JOHN RUE, ESQ.**

I, John Rue, Esq., declare and certify as follows

1. I am an attorney, admitted to practice law before this Court.

2. I make this Certification as an officer of this Court, based on my own personal knowledge.

3. Attached hereto as Exhibit A is a true and correct copy of the complaint related to *D.F. et al. v. Elizabeth Bd. of Edu. et al.* (D.N.J. 3:26-cv-03788).

4. Attached hereto as Exhibit A is a true and correct copy of the complaint related to *D.F. et al. v. Elizabeth Bd. of Edu. et al.* (D.N.J. 3:26-cv-03788).

5. Attached hereto as Exhibit A is a true and correct copy of the complaint related to D.F. et al. v. Elizabeth Bd. of Edu. et al. (D.N.J. 3:26-cv-03788). I understand that if anything in this Certification is willfully false, I am subject to punishment.

Signed: John Rue 4/19/26

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UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

D.F. and J.F., individually and o/b/o T.F., a minor, individually and on behalf of a class of similarly situated persons *Plaintiffs*, v. Elizabeth Board of Education, New Jersey Department of Education, New Jersey Office of Administrative Law, and the New Jersey Commissioner of Education *Defendants*	**Civil Action No. _____** **COMPLAINT**

Plaintiffs D.F. and J.F., individually and on behalf of T.F. (hereinafter collectively "Plaintiffs"), by and through counsel, Rue Law Group, LLC (aka John Rue & Associates, LLC), allege as follows:

[1] Rue Law Group is a DBA owned by John Rue & Associates, LLC.

NATURE OF THE ACTION

1. This action arises from the prolonged and unlawful delay in the adjudication of a special education due process matter filed on behalf of T.F., a young child with a disability, and from related deprivations of rights guaranteed by the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 et seq., and the Constitution and laws of the United States. Plaintiffs bring this action individually and on behalf of a class of similarly situated persons pursuant to Federal Rule of Civil Procedure 23.

2. Plaintiffs allege that Defendants failed to comply with, and failed to ensure compliance with, the "45-day rule" embodied in the IDEA and New Jersey special education regulations, including 34 C.F.R. § 300.515 and N.J.A.C. 6A:14-2.7(j), after Plaintiffs' due process matter was transmitted to the Office of Administrative Law ("OAL").

3. Plaintiffs further allege that the Elizabeth Board of Education contributed to and benefited from the delay by seeking and obtaining adjournments and extensions that materially prolonged the adjudication of Plaintiffs' due process claims.

4. As a result of Defendants' conduct, the adjudication of Plaintiffs' due process matter was substantially delayed beyond the timeline required

by law, which impeded parental participation, delayed needed educational relief, and deprived T.F. of educational benefits during the pendency of the proceedings.

5. Plaintiffs seek declaratory and injunctive relief, as well as compensatory damages and other individual relief arising from the unlawful delay and related violations.

6. Plaintiffs bring this action as a class action on behalf of all persons similarly situated who were subjected to unlawful delay in the adjudication of IDEA due process hearings in New Jersey.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because this action arises under the IDEA, 42 U.S.C. § 1983, and the Constitution and laws of the United States.

8. This Court may grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

9. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over any related state-law claims arising from the same nucleus of operative fact.

10. This Court has personal jurisdiction over Defendants.

11. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claims occurred in this District, Plaintiffs reside in this District, and Defendants conduct business and perform official duties in this District.

LEGAL FRAMEWORK

12. The IDEA guarantees that every child with a disability receives a free appropriate public education ("FAPE") from a public school that receives federal funding. 20 U.S.C. § 1412(a)(1)(A).

13. The IDEA further guarantees children with disabilities and their parents specific procedural safeguards. 20 U.S.C. § 1415.

14. Parents possess enforceable rights under the IDEA and may assert those rights on their own behalf. Winkelman v. Parma City School Dist., 550 U.S. 516 (2007).

15. Among those safeguards is the right to file a due process complaint concerning any matter relating to the identification, evaluation, educational placement, or the provision of FAPE.

16. Once a due process complaint is filed and the resolution period concludes, a final decision must be rendered not later than 45 days

thereafter, unless specific extensions are granted at the request of a party. 34 C.F.R. § 300.515; N.J.A.C. 6A:14-2.7(j).

17. Prolonged violations of the 45-day rule can constitute substantive, and not merely procedural, harm where they impede parental participation, delay needed relief, or deprive a child of educational benefits. C.P. v. N.J. Dep't of Educ., Civil Action No. 19-12807, 2020 WL 2611572 (D.N.J. May 22, 2020).

18. Rights secured by the IDEA and the Fourteenth Amendment are enforceable under 42 U.S.C. § 1983 where, as here, Defendants, acting under color of state law, deprived Plaintiffs of those rights through policies, practices, or failures to act that resulted in unlawful delay.

CLASS ACTION ALLEGATIONS

19. Plaintiffs bring this action pursuant to Federal Rule of Civil Procedure 23(b)(3) on behalf of themselves and a class of similarly situated individuals.

20. The proposed class is defined as follows:

> All persons, from May 15, 2016 to the present, who filed a request for a due process hearing under the Individuals with Disabilities Education Act in the State of New Jersey, and who did not receive a final hearing decision within the timeline required by 34 C.F.R. § 300.515 and N.J.A.C. 6A:14-2.7(j),

excluding any delay attributable to a request by the parent or guardian.

21. The proposed class includes the following subclasses:

> Subclass A (Fee Waiver Subclass): All members of the Class who, as a result of delay in the adjudication of their due process matter, waived or failed to recover attorneys' fees to which they were otherwise entitled under the IDEA, including as a result of delay, settlement pressure, or procedural conditions created by the delayed adjudication.
>
> Subclass B (Delay Injury Subclass): All members of the Class who suffered injury as a result of delayed adjudication of their due process matter, including but not limited to delayed educational services, loss of educational benefit, increased costs, or other compensable harm.

22. The injuries alleged herein were caused by Defendants' failure to ensure timely adjudication of due process matters.

23. The filing of this class action is intended to afford all members of the proposed Class the protections of applicable tolling doctrines, including those recognized in *American Pipe & Construction Co. v. Utah*, 414 U.S. 538 (1974), and its progeny.

RULE 23(a)

24. The members of the Class are so numerous that joinder is impracticable.

25. Common questions include:
- Whether Defendants failed to comply with IDEA timelines;
- Whether systemic delays occurred;
- Whether any delays were illegal;

- Whether Defendants' misconduct caused the harm alleged herein; and
- Plaintiffs' entitlement to damages.

26. Plaintiffs' claims are typical.

27. Plaintiffs are adequate representatives.

28. The existence of the class certified in *C.P.* further demonstrates the systemic nature of the issues alleged herein.

RULE 23(b)(3)

29. Common issues predominate.

30. Damages variations do not defeat predominance.

31. Class action is superior.

32. The class defined herein overlaps in part with individuals who were members of the Rule 23(b)(3) class in *C.P. v. N.J. Dep't of Educ.*, but asserts distinct claims for damages arising from unlawful delay in the adjudication of due process matters.

PARTIES

33. Plaintiffs D.F. and J.F. are the parents of T.F., a minor child, and bring this action individually and on behalf of T.F. Plaintiffs bring these claims on behalf of themselves and all others similarly situated.

34. T.F., also identified in educational records as Theodore Alexander Fienberg, was born on November 17, 2014, resides in Elizabeth, New

Jersey, and is a child with a disability within the meaning of the IDEA.

35. During the relevant time period, T.F. was identified as a Preschool Child with a Disability and was eligible for special education and related services.

36. Defendant Elizabeth Board of Education is a local educational agency within the meaning of the IDEA and was responsible for providing T.F. with a free appropriate public education and for participating in the due process proceedings at issue in this action. The Elizabeth Board of Education contributed to and benefited from the delay in the adjudication of Plaintiffs' due process matter by requesting and obtaining adjournments and extensions that materially prolonged the proceedings.

37. Defendant New Jersey Department of Education ("NJDOE") is the State educational agency responsible for ensuring compliance with the IDEA in New Jersey, including oversight of the special education due process system and enforcement of applicable timelines.

38. Defendant New Jersey Office of Administrative Law ("OAL") is the agency responsible for conducting administrative hearings in IDEA

due process matters and for scheduling, managing, and adjudicating those proceedings.

39. Defendant Commissioner of Education, in his or her official capacity, is responsible for ensuring compliance with federal and state special education law and is a proper defendant for prospective relief under 42 U.S.C. § 1983.

40. Each Defendant acted under color of state law and was responsible, individually and collectively, for ensuring that IDEA due process proceedings were conducted in compliance with governing timelines.

STATEMENT OF FACTS

41. T.F. is a young child with disabilities and significant developmental, behavioral, and sensory needs.

42. T.F.'s IEP records reflect concerns regarding behavior, sensory processing, anxiety, dysregulation, aggression, and the need for supports and related services.

43. On or before June 19, 2018, Plaintiffs initiated administrative proceedings through New Jersey's special education due process system.

44. The matter was captioned D.F. and J.F. o/b/o T.F. v. Elizabeth Board of Education and assigned Agency Reference No. 2018-28289.

45. The matter was converted from mediation to due process and transmitted to the Office of Administrative Law ("OAL").

46. On July 19, 2018, the matter was transmitted to the OAL, and a hearing was scheduled for July 26, 2018 at 9:00 a.m. in Newark before ALJ Barry E. Moscowitz.

47. The issues in dispute included requests for a functional behavioral assessment ("FBA"), related services including occupational therapy, physical therapy, and speech therapy, and extended school year ("ESY") services.

48. At the time of transmittal, no federal hearing days had been used.

49. On July 25, 2018, counsel for the Elizabeth Board of Education requested an adjournment of the July 26, 2018 hearing date and sought to reschedule the hearing to October 18, 2018.

50. The stated reasons for the adjournment request included counsel's vacation, scheduling conflicts, the first day of school, and a religious holiday.

51. As a result of the adjournment and subsequent delay, the matter was not resolved within the timeline required by federal and state law.

52. Following the conclusion of the resolution period, the 45-day timeline required a final decision no later than August 2018.

53. No final decision was issued within that timeframe.

54. Instead, the due process matter remained pending for many months after transmittal to the OAL.

55. The matter was not finally disposed of until June 18, 2019, with the record closing on June 17, 2019.

56. By July 26, 2018, Plaintiffs had filed an amended due process petition alleging violations of the IDEA and New Jersey special education law and challenging the appropriateness of T.F.'s IEP and educational placement.

57. Plaintiffs sought, among other relief, changes to T.F.'s IEP, placement relief, reimbursement of evaluation costs, compensatory education, ESY services, attorneys' fees, and related relief.

58. The relief ultimately obtained through settlement substantially overlapped with the substantive relief sought by Plaintiffs in the due process petition.

59. The Elizabeth Board of Education refused to resolve the matter unless Plaintiffs agreed to waive their claim for reimbursement of attorneys' fees to which they were otherwise entitled by law.

60. As the proceedings continued to be delayed, Plaintiffs faced the prospect of further postponement of a final hearing and continued delay in obtaining relief for T.F.

61. During the course of the proceedings, the Administrative Law Judge advised Plaintiffs, in substance, that settlement would be necessary to obtain timely relief and that waiver of attorneys' fees would be required in order to resolve the matter.

62. Under these circumstances, and in light of the ongoing delay, Plaintiffs agreed to waive reimbursement of attorneys' fees, which they had incurred in an amount exceeding $14,000.

63. The matter was resolved only after extended delay through settlement negotiations and entry of an OAL decision approving settlement.

64. The settlement provided substantial educational relief, including summer 2019 Catapult programming, transportation, social skills services, a 1:1 aide, occupational therapy, physical therapy consultation, ESY evaluation, and amendments acknowledging characteristics of the autistic spectrum.

65. The settlement was placed on the record on or about May 7, 2019, further reflecting the extended pendency of the matter.

66. The delay in adjudicating Plaintiffs' due process matter prevented T.F. from receiving timely services and supports and delayed implementation of necessary educational interventions.

67. During the pendency of the proceedings, T.F. remained without appropriate programming and supports that were ultimately recognized as necessary.

68. The prolonged delay forced Plaintiffs to endure extended uncertainty and to continue litigating in order to obtain relief to which T.F. was entitled.

69. The delay increased Plaintiffs' costs, burden, and pressure to resolve the matter through settlement rather than obtain a timely adjudication on the merits.

70. Plaintiffs seek compensatory damages, including damages measured on a per diem basis for the period of unlawful delay, as well as all other relief permitted by law.

71. Defendants were responsible for ensuring that New Jersey's special education due process system complied with the IDEA and its implementing regulations, but failed to do so in Plaintiffs' case.

72. Upon information and belief, the delays described herein, including delays of the type and duration experienced by Plaintiffs, are not

unique to Plaintiffs' case but reflect systemic conditions affecting numerous IDEA due process matters throughout New Jersey.

CLAIMS FOR RELIEF

Count I – Violation of IDEA

73. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

74. The IDEA required Defendants to ensure that Plaintiffs' due process matter was adjudicated within the timeline set forth by federal and state law, absent specific extensions properly attributable to a party request.

75. Defendants New Jersey Department of Education and the Commissioner failed to ensure that Plaintiffs' due process matter was adjudicated within the required timeline.

76. The Office of Administrative Law was responsible for scheduling and managing the proceedings and for ensuring that the matter was heard and decided within the timelines required by federal and state law, but failed to do so.

77. Elizabeth Board of Education contributed to and benefited from the delay by requesting and obtaining adjournments and extensions that materially prolonged the proceedings.

78. The resulting delay violated the procedural safeguards guaranteed by the IDEA.

79. The delay was sufficiently prolonged to constitute substantive harm, including impairment of parental participation, delay of needed educational relief, and deprivation of educational benefits.

80. As a direct and proximate result of Defendants' conduct, Plaintiffs and T.F. and similarly situated class members suffered injury.

Count II – Violation of 42 U.S.C. § 1983

81. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

82. At all relevant times, Defendants acted under color of state law.

83. Plaintiffs and T.F. possessed rights secured by federal law, including rights under the IDEA and the Fourteenth Amendment.

84. Defendants New Jersey Department of Education, the Commissioner, and the Office of Administrative Law, through policies, practices, or failures to act, permitted and failed to remedy unlawful delay in the adjudication of IDEA due process matters, including Plaintiffs' case.

85. Defendant Elizabeth Board of Education, acting under color of state law, contributed to the deprivation of Plaintiffs' rights by requesting

and obtaining adjournments and extensions that materially prolonged the proceedings.

86. As a result of Defendants' conduct, Plaintiffs were deprived of their rights to timely procedural safeguards and a prompt and meaningful opportunity to be heard.

87. As a direct and proximate result of Defendants' conduct, Plaintiffs and T.F. and similarly situated class members suffered injury.

88. Plaintiffs seek prospective relief against the Commissioner in his or her official capacity, as well as compensatory damages and all other relief permitted by law.

Count III – Procedural Due Process

89. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

90. Plaintiffs and T.F. possessed protected interests in the timely procedural safeguards guaranteed by the IDEA and in the provision of a free appropriate public education.

91. The Due Process Clause of the Fourteenth Amendment guarantees Plaintiffs a meaningful opportunity to be heard at a meaningful time and in a meaningful manner.

92. Defendants, including the Office of Administrative Law, failed to provide timely process by failing to ensure a prompt hearing and decision within the governing legal timeline.

93. Defendant Elizabeth Board of Education contributed to the delay by requesting and obtaining adjournments and extensions that materially prolonged the proceedings.

94. Defendants New Jersey Department of Education and the Commissioner failed to ensure that the due process system operated in compliance with governing timelines.

95. As a result, Plaintiffs were deprived of a meaningful and timely opportunity to be heard and to obtain relief.

96. As a direct and proximate result of Defendants' conduct, Plaintiffs and T.F. and similarly situated class members suffered injury.

97. The process afforded was constitutionally inadequate in light of the prolonged delay and resulting deprivation of timely review.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, individually and on behalf of the Class and Subclasses, respectfully request that this Court enter judgment in their favor and grant the following relief:

A. Certifying this action as a class action pursuant to Rule 23(b)(3), appointing Plaintiffs as class representatives, and appointing undersigned counsel as class counsel.

B. Declare that Defendants violated the IDEA, its implementing regulations, and Plaintiffs' federal rights by failing to ensure and comply with timely adjudication of Plaintiffs' due process matter.

C. Declare that the prolonged delay alleged herein constituted substantive harm and unlawfully impeded Plaintiffs' right to timely process and meaningful participation.

D. Award Plaintiffs and all Class members compensatory damages, including reimbursement of attorneys' fees incurred in the underlying administrative proceedings to the extent such fees were waived or not recovered as a result of the unlawful delay alleged herein;

E. Award Plaintiffs attorneys' fees, costs, and expenses incurred in this action pursuant to applicable fee-shifting provisions of law;

F. Award declaratory and injunctive relief requiring Defendants to comply prospectively with IDEA due process timelines and to implement practices reasonably calculated to prevent recurrence of the unlawful delay alleged herein.

G. Grant such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiffs demand trial by jury on all issues so triable.

Respectfully submitted,

/s/ John Rue
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Exhibit B

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

A.V., individually and as parent of A.V., a minor, *Plaintiffs*, v. Princeton Public School Board of Education *Defendant*	**Civil Action No.** **COMPLAINT**

Plaintiff, A.V., on behalf of her minor child A.V., by way of Complaint against Defendant Princeton Public School Board of Education, alleges as follows:

[1] Rue Law Group is a DBA owned by John Rue & Associates, LLC.

NATURE OF THE ACTION

1. This is an appeal brought pursuant to the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1415(i)(2), seeking review of a final administrative decision issued by the New Jersey Office of Administrative Law ("OAL") dismissing Plaintiff's due process petition.

2. Plaintiff filed a due process petition seeking relief for the denial of a free appropriate public education to her child.

3. On February 23, 2026, during a brief prehearing conference conducted by telephone, Plaintiff appeared pro se immediately after her counsel withdrew on the record.

4. During that proceeding, which lasted only a matter of minutes, Plaintiff was required to respond immediately to whether she wished to proceed with her case, without meaningful opportunity to consult counsel, consider her options, or understand the consequences of withdrawal.

5. Plaintiff expressed hesitation and uncertainty during the proceeding and requested time to consider her decision, but was required to respond immediately.

6. Plaintiff's statement was treated as a withdrawal of her petition, and the record was closed.

7. Within approximately seventy minutes of the conclusion of that proceeding, Plaintiff submitted a written request to rescind the purported withdrawal, expressly stating that her statement was not knowing, voluntary, or informed. Exhibit A.

8. Plaintiff submitted a second written request the following day renewing her request for rescission and reinstatement. Exhibit B.

9. The OAL refused to reopen the record and directed Plaintiff to file a new petition. Exhibit A.

10. On February 27, 2026, the Administrative Law Judge issued a Final Decision dismissing Plaintiff's petition without any analysis of the circumstances surrounding the purported withdrawal or Plaintiff's immediate rescission. Exhibit C.

11. The Final Decision does not address Plaintiff's written rescission requests or the circumstances under which the purported withdrawal was made. Id.

12. Plaintiff is aggrieved by that decision and seeks vacatur and remand for a due process hearing.

RESERVATION OF RIGHTS

13. This action is brought solely as an appeal of the Final Decision pursuant to 20 U.S.C. § 1415(i)(2), and seeks only vacatur of that decision and remand for a due process hearing.

14. Plaintiff expressly reserves all rights to assert additional claims arising from the events described herein, including but not limited to claims against the New Jersey Department of Education, the Office of Administrative Law, and other appropriate state actors, based on the denial of procedural due process and related violations.

15. Plaintiff does not assert those claims in this action in order to preserve the limited and expeditious nature of this statutory appeal.

JURISDICTION AND VENUE

16. This Court has jurisdiction pursuant to 20 U.S.C. § 1415(i)(2)(A) and 28 U.S.C. § 1331; *see also G.W. v. Ringwood Bd. of Edu.*, 28 F.4th 465 (2022).

17. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because the events giving rise to this action occurred in New Jersey and Defendant is located in this District.

PARTIES

18. Plaintiff A.V. is the parent of minor child A.V. and resides in the State of New Jersey.

19. Defendant Princeton Public School Board of Education is a public school district organized under the laws of the State of New Jersey and is responsible for providing a free appropriate public education to students within its jurisdiction.

PROCEDURAL POSTURE

20. On or about December 19, 2025, Plaintiff filed a due process petition alleging denial of a free appropriate public education.

21. The petition was transmitted to the Office of Administrative Law and assigned as a contested case.

22. A prehearing conference was scheduled for February 23, 2026.

23. On that date, Plaintiff's counsel withdrew on the record at the outset of the proceeding, and Plaintiff proceeded pro se.

24. The conference was conducted by telephone.

25. Plaintiff was not provided with dial-in access information until immediately before the proceeding, and joined after it had begun.

26. Upon joining, Plaintiff was promptly sworn in and required to respond immediately to whether she wished to proceed with her petition.

27. Plaintiff expressed hesitation and uncertainty and requested time to consider her decision.

28. Plaintiff was not provided a meaningful opportunity to consult counsel, seek an adjournment, or consider the consequences of withdrawal.

29. Under these circumstances, Plaintiff made an equivocal statement that was treated as a withdrawal of her petition.

30. The proceeding lasted approximately eight minutes.

31. Within approximately seventy minutes of the conclusion of the proceeding, Plaintiff submitted a written request to rescind the purported withdrawal and reinstate the matter, stating that her statement was not knowing, voluntary, or informed. Exh. A.

32. Plaintiff submitted a second written request the following day renewing her request for rescission and reinstatement. She also asked for a copy of the audio recording of the proceeding from the day before. Exh. B.

33. On February 24, 2026, the OAL informed Plaintiff that the record would not be reopened and directed her to file a new petition. Exh. A.

34. On February 27, 2026, the Administrative Law Judge issued a Final Decision dismissing the petition. See Exh. C.

35. The Final Decision contains no analysis of whether Plaintiff's purported withdrawal was knowing, voluntary, or informed, and does not address Plaintiff's immediate rescission requests.

FACTUAL ALLEGATIONS

36. Plaintiff's purported withdrawal was made under circumstances that did not permit a knowing, voluntary, and informed waiver of her right to a due process hearing.

37. Plaintiff had just completed a separate, lengthy due process proceeding earlier that same day and was mentally and emotionally depleted.

38. Plaintiff was physically ill at the time of the proceeding.

39. Plaintiff was unrepresented at the time she was required to decide whether to proceed with her case.

40. Plaintiff was not provided advance access information for the proceeding and joined late.

41. Plaintiff was sworn in immediately upon joining the call and required to make an immediate decision without meaningful opportunity for reflection or consultation.

42. Plaintiff expressly indicated uncertainty and requested time to consider her decision.

43. Plaintiff's response was hesitant and equivocal, and not the product of a deliberate and informed decision.

44. Plaintiff rescinded the purported withdrawal within approximately seventy minutes and again the following day.

45. Plaintiff was denied access to the audio recording of the proceedings, even after her express request.

46. The Administrative Law Judge refused to consider Plaintiff's rescission and entered a final dismissal without addressing the validity of the purported waiver.

COUNT ONE
IDEA APPEAL — INVALID BASIS FOR FINAL ORDER

47. Plaintiff repeats and incorporates the preceding paragraphs.

48. The IDEA guarantees parents the right to an impartial due process hearing.

49. The Administrative Law Judge entered a final decision terminating Plaintiff's due process petition.

50. That decision was based on a purported withdrawal of the petition.

51. Plaintiff's purported withdrawal was not knowing, voluntary, or informed, and was made under circumstances in which Plaintiff was denied a meaningful opportunity to consider her decision.

52. Plaintiff rescinded the purported withdrawal immediately and repeatedly requested reinstatement.

53. The Administrative Law Judge failed to consider Plaintiff's rescission and failed to make any findings regarding the validity of the purported waiver.

54. Under these circumstances, the Administrative Law Judge erred in determining that Plaintiff's statements warranted entry of a final administrative order terminating her due process petition.

55. Plaintiff is aggrieved by that decision within the meaning of 20 U.S.C. § 1415(i)(2).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in Plaintiff's favor and grant the following relief:

A. Vacate the Final Decision of the Office of Administrative Law dated February 27, 2026;

B. Remand this matter to the Office of Administrative Law for a due process hearing on the merits;

C. Award Plaintiff reasonable attorneys' fees and costs pursuant to 20 U.S.C. § 1415(i)(3); and

D. Grant such other and further relief as the Court deems just and proper.

RUE LAW GROUP
Attorney for Plaintiff



John Rue, Esq.
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Dated: April 10, 2026