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April 6, 2017

**VIA OVERNIGHT DELIVERY**

Maria Desautelle, Complaint Investigator  
New Jersey Department of Education  
Office of Special Education Programs  
100 River View Plaza  
Trenton, NJ 08625

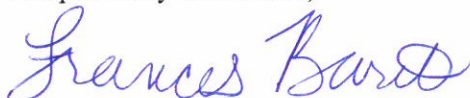
**RE: Education Law Center v. State-Operated School District of the City of Paterson  
Docket No. C- 2017-5648**

Dear Ms. Desautelle:

This office represents the State Operated School District of the City of Paterson (hereinafter referred to as "Respondent") in connection with the above-referenced matter. Enclosed for filing please find Respondent's Answer to the Complaint filed on March 15, 2017.

Should you have any questions please do not hesitate to contact me.

Respectfully submitted,



FRANCES E. BARTO

FEB:gmm  
Enclosure

cc: Elizabeth Athos, Esq. (*via electronic and regular*)  
Cheryl Coy (*via electronic*)

FRANCES E. BARTO, ESQ.  
Attorney ID #020282009  
McManimon, Scotland & Baumann, LLC  
75 Livingston Avenue  
Roseland, NJ 07068  
973-622-1800  
973-622-7333 - Fax  
Attorneys for Respondent  
State-Operated School District for the  
City of Paterson

EDUCATION LAW CENTER,

Complainant,

v.

STATE-OPERATED SCHOOL DISTRICT  
OF THE CITY OF PATERSON,

Respondent.

STATE OF NEW JERSEY  
DEPARTMENT OF EDUCATION

Agency Ref. No.: 2017-5648  
OAL Docket No.:

**ANSWER AND AFFIRMATIVE  
DEFENSES TO COMPLAINT**

Respondent, State-Operated School District of the City of Paterson (hereinafter referred to as "Respondent" or the "District"), by way of Answer herein says:

1. Paragraph 1 of the Complaint does not allege any allegations against Respondent and accordingly, no response is required. To the extent a response is required, Respondent denies each and every allegation set forth in Paragraph 1 of the Complaint. Respondent does not waive its right to a due process hearing.
2. Respondent denies each and every allegation set forth in Paragraph 2 of the Complaint and leaves Complainant to its proofs.
3. Respondent denies each and every allegation set forth in Paragraph 3 of the Complaint and leaves Complainant to its proofs.
4. Respondent denies each and every allegation set forth in Paragraph 4 of the Complaint and leaves Complainant to its proofs.

5. Respondent denies each and every allegation set forth in Paragraph 5 of the Complaint including all numbered subparagraphs contained in Paragraph 5 of the Complaint and leaves Complainant to its proofs.
6. Paragraph 6 of the Complaint does not allege any allegations against Respondent and accordingly, no response is required. To the extent a response is required, Respondent denies each and every allegation set forth in Paragraph 6 of the Complaint.
7. Paragraph 7 of the Complaint does not allege any allegations against Respondent and accordingly, no response is required. To the extent a response is required, Respondent denies each and every allegation set forth in Paragraph 7 of the Complaint.

**WHEREFORE**, Respondent denies the Complainant is entitled to any relief, and demands that the Complaint be dismissed in its entirety, with prejudice, and Respondent be awarded attorneys' fees, costs of suit and any other relief.

#### **SEPARTE AND AFFIRMATIVE DEFENSES**

1. The Complaint should be dismissed as Complainant lacks standing.
2. The Complaint should be dismissed as Complainant has failed to state a claim upon which relief may be granted.
3. To the extent required by law, Respondent has made available to students of the District a free, appropriate public education.
4. The Complaint should be dismissed as Complainant has incorrectly interpreted the requirements of the IDEA and its New Jersey implementing regulations.
5. The Complaint should be dismissed as any and all acts of the Respondent

constituted appropriate exercise of statutory authority.

6. The Complaint should be dismissed as Complainant is not entitled to any relief.

**WHEREFORE**, Respondent, State Operated School District of the City of Paterson, demands judgment dismissing the Complaint in its entirety, as well as attorney's fees, interest, costs of suit, and such further relief as deemed appropriate by the Court.

McMANIMON, SCOTLAND & BAUMANN, LLC  
Attorneys for Respondent,  
State-Operated School District of the City of  
Paterson

By:   
FRANCES E. BARTO

Dated: April 5, 2017

FRANCES E. BARTO, ESQ. (020282009)  
McMANIMON, SCOTLAND & BAUMANN, LLC  
75 Livingston Ave., 2<sup>nd</sup> Fl.  
Roseland, New Jersey 07068  
*Attorneys for Respondent*  
*State-Operated School District of the City of Paterson*

EDUCATION LAW CENTER,

Petitioners,

v.

STATE OPERATED SCHOOL DISTRICT OF  
THE CITY OF PATERSON,

Respondent.

STATE OF NEW JERSEY  
DEPARTMENT OF EDUCATION

Agency Ref. No.: 2017-5648

**CERTIFICATION OF SERVICE**

I, Geraldine M. Montalvo, of full age, certify and say:

1. I am a secretary with the law firm of McManimon, Scotland & Baumann, LLC.
2. I certify that on April 6, 2017, an original and two (2) copies of Respondent's Answer to Due Process Petition and Certification of Service were served via electronic mail and regular mail as follows:

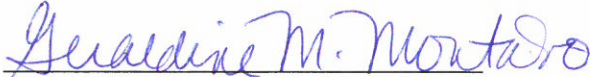
Maria Desautelle, Complaint Investigator  
New Jersey Department of Education  
Office of Special Education Programs  
100 River View Plaza  
Trenton, NJ 08625

3. I certify that on April 6, 2017, one copy of the Answer to Due Process Petition and Certification of Service were served via electronic mail and first class mail as follows:

Elizabeth Athos, Esq.  
Education Law Center  
60 Park Place, Suite 300  
Newark, NJ 07102

Cheryl Coy, M. Ed.  
Acting Chief Special Education Officer  
Paterson Public Schools  
90 Delaware Street  
Paterson, NJ 07503

I certify that the statements made by me are true to the best of my knowledge. I understand that if any of the statements made by me are willfully false, I am subject to punishment.

  
Geraldine M. Montalvo

Dated: April 6, 2017