BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TORRANCE UNIFIED SCHOOL DISTRICT AND CAROUSEL SCHOOL	OAH CASE NO. 2012120476 ORDER FOLLOWING PRE-HEARING CONFERENCE

On May 20, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Clifford H. Woosley, Office of Administrative Hearings (OAH). Geoffrey Berkin, Attorney at Law, specially appeared on behalf of Student (Student). Geoffrey Winterowd, Filarsky & Watt LLP, appeared on behalf of Torrance Unified School District (District). The PHC was recorded.

Based on discussion of the parties, the ALJ issues the following order

District's Motion to Dismiss: On May 14, 2013, District filed a motion to dismiss the complaint. District asserted that Student turned 18 years of age in April 2012, that Mother did not possess Student's educational rights, and that Mother therefore did not have capacity to file the complaint herein.

In response to the motion, Mr. Berkin provided a conformed copy of Mother's application for Letters for Conservatorship over Student, which was filed with the Superior Court for the County of Los Angles (LASC), in early May 2013. Mr. Berkin stated that Mother made an ex parte appearance before LASC and the court granted her request for Temporary Letters of Conservatorship. However, the court said it could not at that time issue the temporary letters because of LASC's staffing. To date, the temporary letters have yet to be issued. Mr. Berkin requested that the matter be continued to allow Mother time to obtain the letters of conservatorship from LASC.

The ALJ rules as follows:

1. The District's motion to dismiss is denied without prejudice.

2. Mr. Berkin's request for a continuance is granted.

3. The PHC is continued to **1:30 PM, July 10, 2013**.

4. The due process hearing is continued **to July 16, 17, and 18, 2013**, at10:00 AM the first day and 9:30 AM all other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

5. Mr. Berkin shall serve a copy of the conservatorship application upon District's counsel.

6. Mr. Berkin may file and serve temporary or permanent letters of conservatorship, appointing Mother conservator over Student, at any time up to close of business (COB) on **June 28, 2013**.

7. If letters of conservatorship are not filed by COB on **June 28, 2013**, District may again file a motion to dismiss the due process.

8. If letters of conservatorship are timely filed in accordance with this order, the District retains the right to file a motion regarding any rights it asserts may have been compromised by any delay in Mother obtaining Student's educational rights.

IT IS SO ORDERED.

Dated: May 20, 2013

/s/
CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings