BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ANAHEIM UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2018080788 ORDER TO SHOW CAUSE, STUDENT'S EDUCATIONAL RIGHTS

On August 14, 2018, Parent on behalf of Student filed a request for due process hearing (complaint) with the Office of Administrative Hearings against Anaheim Union High School District.

In a previous matter filed before OAH by Parent on behalf of Student, upon evidence that Student was over the age of 18 years, OAH issued an order to show cause why that matter should not be dismissed unless Parent established that she had a transfer of Student's educational rights or conservatorship over Student. Parent requested dismissal of that matter rather than filing such proof, and the prior complaint was dismissed.

APPLICABLE LAW

Education Code section 56041.5 provides:

> When an individual with exceptional needs reaches the age of 18, with the exception of an individual who has been determined to be incompetent under state law, the local educational agency shall provide any notice of procedural safeguards required by this part to both the individual and the parents of the individual. All other rights accorded to a parent under this part shall transfer to the individual with exceptional needs. The local educational agency shall notify the individual and the parent of the transfer of rights.

DISCUSSION

Parent has not filed any documentation that Student, who is over the age of 18, has transferred his educational rights to Parent or that Parents have obtained legal conservatorship over Student. Parent is not permitted to file a hearing request on behalf of Student unless she possess his educational rights either through a transfer or obtaining

conservatorship over Student. Accordingly, unless Parent provides such proof that they possess Student's educational rights, OAH will dismiss this complaint.

ORDER

1. Parent is ordered to serve OAH and Anaheim Union with documentation that she possesses Student's educational rights no later than September 24, 2018.

2. Failure by Parent to produce documentation that she possesses Student's educational rights will cause OAH to dismiss this matter.

DATE: September 7, 2018

DocuSigned by:
Alexa Hohensee
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ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings