BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: STUDENT, v. TORRANCE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016100629 ORDER TO SHOW CAUSE, STUDENT'S EDUCATIONAL RIGHTS

On October 7, 2016, Parents on behalf of Student filed a request for due process hearing (complaint) with the Office of Administrative Hearings against the Torrance Unified School District. On November 3, 2016, Parents on behalf of Student filed an amended complaint.

On March 10, 2017, Parents on behalf of Student made a request to Torrance for a copy of Student's educational records. At the March 10, 2017 Prehearing Conference, Administrative Law Judge Elsa Jones ordered Torrance to produce the requested documents. On March 14, 2017, Torrance filed a motion for clarification as to its production of documents as Student is over the age of 18 and Parents have not established that they have conservatorship over Student and that Parents did not provide such proof when they previously requested Student's educational records in April 2016.

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

A review of documents submitted to OAH by Parents does not include any documentation that Student, who is over the age of 18, has transferred his educational rights to either Parent or that Parents have obtained legal conservatorship over Student. Without documentation that Parents possess Student's educational rights, District cannot produce Student's educational records to Parents. Further, Parents are not permitted to file a hearing request on behalf of Student unless they possess his educational rights either through a transfer or obtaining conservatorship over Student. The hearing in this matter is scheduled to commence on March 21, 2017. Accordingly, unless Parents provide such proof that they possess Student's educational rights, OAH will dismiss this complaint.

ORDER

1. Torrance is ordered to bring a copy of Student's educational records to the hearing on March 21, 2017, and not to produce such records to Parents absent receipt of documentation that Parents possess Student's educational rights.

2. Parents are ordered to provide OAH and Torrance with documentation that they possess Student's educational rights no later than the commencement of the hearing on March 21, 2017.

3. Failure by Parents to produce documentation that they possess Student's educational rights will cause OAH to dismiss this matter.

DATE: March 16, 2017

DocuSigned by:
Peter Paul Castillo
F0BCD8A6A62C4E9...

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings