BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2013060091 ORDER FOR STUDENT TO SUBMIT DOCUMENTATION OF EDUCATIONAL RIGHTS

On May 28, 2013, Parent filed with the Office of Administrative Hearings (OAH) a request for a due process hearing (complaint) naming the Los Angeles Unified School District (District). On June 4, 2013, OAH issued a scheduling order setting mediation for July 9, 2013, the prehearing conference for July 15, 2013 and the due process hearing to begin on July 23, 2013. Student's complaint includes a motion for "stay put" pending the hearing and District has filed an opposition to the motion. In order to rule on the motion, OAH must first inquire into Parent's standing to act on Student's behalf.

In the complaint, Parent made several allegations and requested a number of remedies on behalf of Student. However, according to the complaint, Student's date of birth is July 11, 1991, and thus, Student is 21 years of age. As noted below, in California the educational rights of every student generally transfer to such student upon reaching the age of 18. In filing the present complaint on behalf of Student, Parent did not provide any proof that she holds Student's educational rights.

APPLICABLE LAW

Under federal and California special education law, when a student eligible for special education reaches the age of 18 years, the special education rights previously held by the parent transfer to the student. (34 C.F.R. § 300.520(a)(ii)(2006); Ed. Code, § 56041.5.) Specifically, 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

According to Student's complaint, the named "Petitioner" is listed as the Parent. Based on the complaint Student reached the age of 18 on July 11, 2009. Parent has presented no evidence showing that Student has either transferred her educational rights to Parent or has authorized Parent to pursue this action. Therefore, in order for Parent to have standing to pursue this action on behalf of Student, Parent must provide evidence that she holds educational rights on behalf of Student. In the alternative, Student may provide additional clarification that she has authorized the filing of this action herself and that she is represented by Parent.

ORDER

1. Within five business days of issuance of this Order, Parent shall submit written proof to OAH that she holds Student's education rights, or that Student has otherwise authorized her to file this due process matter and represent her interests. Copies of all documents shall be served on the District.

2. If Parent and/or Student do not timely provide the above evidence to establish legal standing, OAH may dismiss this action without further notice.

Dated: June 7, 2013

/s/
ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings