BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ROSEVILLE JOINT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026031002

ORDER FOR FURTHER BRIEFING ON INTERVENOR'S MOTION TO DISMISS, AND ORDER CONTINUING HEARING

JUNE 9, 2026

On March 20, 2026, Student's father, called Father, filed a request for due process hearing, called a complaint, on Student's behalf with the Office of Administrative Hearings, called OAH, naming Roseville Joint Union High School District, called Roseville. On April 1, 2026, Father filed a motion for stay put seeking to prohibit Roseville from issuing a regular high school diploma to Student during the pendency of this matter.

On March 27, 2026, Parent's mother, called Mother, acting as an intervenor, filed a motion to dismiss, strike prospective remedies, or stay the proceedings and a corresponding request for judicial notice.

Mother argues Father lacks standing to bring this dispute on Student's behalf based on an order issued by the probate court on November 24, 2025, appointing both Parents as co-conservators over Student. The order allows Mother and Father to jointly make educational decisions on Student's behalf effective on his 18th birthday on December 8, 2025. Mother argues the probate court delineated a specific procedure for resolving any interim educational disputes between Mother and Father during the temporary conservatorship, including meeting and conferring and appointing an attorney to decide or recommend that the parties file an ex parte or noticed petition seeking instructions from the Court.

On April 1, 2026, Father filed an opposition to Mother's motion to dismiss. Father argues Mother does not have the right to intervene in this proceeding and that Father has the sole right to make educational decisions on Student's behalf. Father makes a number of other arguments, including:

- challenging Mother's ability to intervene in this matter;
- disputing OAH's jurisdiction to dismiss this matter;
- arguing Father has the right to file an action with OAH because Student's educational rights did not transfer to Student upon turning 18 years old;
- alleging Father complied with the probate order by meeting and conferring with court appointed attorney.

On April 2, 2026, Roseville filed a joinder and supplemental brief in support of Mother's motion to dismiss.

On April 16, 2026, Administrative Law Judge, called ALJ, Kelly issued an order continuing the due process hearing pending father's proof of standing, providing notice of no action on Father's stay put motion, and providing notice of no action on third-party intervenor's motion to dismiss, strike or stay proceedings.

The order took official notice of the following documents from Mother's conservatorship proceeding, copies of which were filed with OAH, as follows:

- July 2, 2025 Petition for Appointment of Probate Conservator of the Person (Limited Conservatorship) for Student filed by Mother;
- November 4, 2025 Minute Order appointing Father and Mother as temporary co-conservators of the person of Student to include educational rights, to issue on December 8, 2025, and expire on January 6, 2026;
- December 9, 2025 Order Appointing Temporary Conservator, expiring on January 6, 2026;
- December 17, 2025 Letters of Temporary Conservatorship of Student expiring on January 6, 2026;
- February 5, 2026 Order Appointing Temporary Conservator, following hearing held on January 6, 2026, expiring on May 11, 2026;
- March 5, 2026 Letters of Temporary Conservatorship expiring on May 11, 2026;
- April 2, 2026, Ex Parte Application by Mother for Temporary Restraining Order, Order to Show Cause Regarding Preliminary Injunction, and Monetary Sanctions; and
- April 3, 2026, Minute Order scheduling hearing on Mother's ex parte application for April 16, 2026, at 1:30 PM.

The order continued the matter to new dates for the due process hearing and the prehearing conference. The prehearing conference was set Monday, May 11, 2026. The order directed that:

> Father must file an order with OAH from the Sacramento Superior Court, or other competent evidence, such as a declaration under penalty of perjury by court appointed attorney Quiring, establishing Father's standing to pursue this matter, no later than May 8, 2026, by 5:00 PM. In the event Father fails to comply with this order, or establish good cause for his inability to do so supported by declaration under penalty of perjury, OAH will dismiss the complaint. In light of this ruling, OAH takes no action on Father's motion for stay put or Mother's motion to dismiss, strike, or stay proceedings.

On May 7, 2026, Father submitted a declaration under oath regarding his ongoing attempts to satisfy the requirements of ALJ Kelly's Order. In sum, Father had been unable to comply with the April 16, 2026 OAH Order as the Probate Court had yet to rule on Father's request for a further order permitting him to pursue an action on behalf of Student. The filing met the requirement imposed by ALJ Kelly to establish good cause for Father's then present inability to provide OAH with competent evidence of Father's standing pursuant to the Probate Court and thereby stayed the dismissal of the instant matter.

On May 11, 2026, Administrative Law Judge Ted Mann, Office of Administrative Hearings, held the rescheduled prehearing conference by videoconference. ALJ Mann found that:

In Father's declaration, dated May 7, 2026, Father established good cause to prevent dismissal of the case at this time. Additionally, and of significant importance to

the issue of Father's standing, is that none of the prior pleadings submitted by the parties regarding dismissal, nor ALJ Kelly's Order, address the existence or not of so-called Winkleman rights that may be held by Father and or whether the Probate Court's Order regarding joint parental decision making upon Student's majority extinguishes some or all of Father's Winkleman rights. (*Winkleman v. Parma City School District* (2007) 550 U.S. 516.)

Based upon ALJ Mann's findings, the prehearing conference was continued to Friday, June 5, 2026 for a briefing schedule allowing the respective parties to address the issue of Father's Winkleman rights. Each of the respective parties submitted supplemental briefs addressing the issue of Father's Winkleman rights. Roseville and Intervenor also both filed reply briefs.

At the June 5, 2026 prehearing conference, the undersigned ALJ discussed the contemplated ruling, on the record, with counsel for the respective parties. After further consideration of the totality of evidence and argument provided by the parties, including the ongoing efforts by Student's Parents to come to a resolution of the educational rights issue, along with the impact of a summary dismissal of this matter at this time, the ruling has been modified, as explained below.

APPLICABLE LAW

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.), called the IDEA, is to "ensure that all children with disabilities have available to them a free appropriate public education," called FAPE and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.)

A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a [FAPE] to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a free appropriate public education to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

Due process hearing procedures extend to the parent or guardian. (Ed. Code, § 56501, subd. (a).) The term "parent" is defined in 34 Code of Federal Regulations part 300.30(a) (2006) and Education Code section 56028, subdivision (a) to include biological parents, among others. When there is more than one biological parent, they are both presumed to be a "parent" unless the biological parent does not have legal authority to make educational decisions for the child. (34 C.F.R. § 300.30(b)(1); Ed. Code, § 56028, subd. (b)(1).)

All rights of a student accorded to parents under the IDEA are transferred to a child with a disability when the child reaches the ages of majority under State law, except for a child with a disability who has been determined to be incompetent under State law. (20 U.S.C. § 1415(m)(1); Ed. Code, § 56041.5.) The IDEA requires the states to establish procedures for a child with a disability who has reached the age of majority under state law, who has not been determined to be incompetent but who is determined not to have the ability to provide informed consent, for appointment of the

parent or another appropriate individual to represent the educational interests of the child. (20 U.S.C. § 1415(m)(2); 34 C.F.R. § 300.520(b).)

Education Code section 56041.5 provides that 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.

The California Probate Code and Code of Civil Procedure establish the process for the appointment of a conservator or guardian ad litem for an individual who lacks legal capacity to make decisions. (Prob. Code, § 1800, et seq.; Code Civ. Proc., § 372.) In the event a student cannot make informed decisions about his education, parents may seek appointment of a conservator or guardian ad litem through the California Superior Court in accordance with applicable law, including a limited appointment for a student's educational decisions.

When a judicial decree or order identifies a specific person or persons as having authority to make educational decisions on behalf of a student, that person is determined to be the parent for purposes of the IDEA. (34 C.F.R. § 300.30(b)(2); Ed. Code, § 56028, subd. (b)(2).)

Standing is a party's right to make a legal claim and is a threshold issue to be resolved before reaching the merits of an action. (*Said v. Jegan* (2007) 146 Cal.App.4th 1375, 1375.) A continuing issue exists regarding Father's standing to bring the above-captioned case, whether on behalf of the Student or on Father's own behalf.

DISCUSSION

In the present matter, none of the three parties to this case dispute that Father has independent rights pursuant to Winkleman, assuming that Father's claims are not beyond the statute of limitations. The parties also agree that as of the time of Student's majority in December 2025, the Probate Court appointed Student's mother and father as co-conservators for Student. The co-conservatorship included Student's educational rights. The parties further agree that the Probate Court's order required an agreement of both parents in order to exercise Student's educational rights and established a procedure under control of the Probate Court in the event the parents disagreed on the exercise of Student's educational rights. There is also no dispute that the instant case was filed after the conservatorship was established.

Father raises the argument that he held exclusive educational rights for Student prior to Student reaching the age of majority and being conserved. Father argues that that exclusive right should allow him to proceed with a backward-looking claim on behalf of Student that ends at Student's eighteenth birthday. However, the Probate Court order as currently drafted does not allow for such a distinction. A plain reading of the order finds that Student's educational rights that ordinarily would transfer to Student at eighteen are instead vested in the two co-conservators.

Father argues that this in some way deprives him of a right to pursue the backward-looking claim based on his holding of Student's educational rights prior to Student's eighteenth birthday. However, Father is unable to provide legal authority for this assertion.

Father cites to the case of *Latynski-Rossiter v. District of Columbia* (D.D.C. 2013) 928 F.Supp.2d 57 to support his argument about deprivation of rights. Latynski-

Rossiter, relying on Winkleman, held that parents of a student were not stripped of their rights to pursue reimbursement of tuition when their child turned eighteen. (Id. at 60.) That is inapposite to this case as the instant complaint is solely on behalf of the Student. Significantly, the right to reimbursement is not stripped from the Parents in this case and no rights have evaporated; rather, the right to proceed with claims on behalf of the Student is now held by both parents as co-conservators.

It remains unclear what the scope or duration of the Court's April 27, 2026 Order is in relationship to the previous temporary co-conservatorship order that expired on May 11, 2026. It is also currently unknown the nature and extent of Parents interaction with appointed attorney Quiring to resolve their dispute over proceeding with this due process matter in some form. Additionally, it is not clear what the status of Father attempts to petition the Court to enable him to proceed with the current OAH case filed on behalf of his child, given that Mother was not in agreement with pursuit of this matter. Father brought the instant case without first obtaining an agreement with Mother or an order from the Court. Father brought this matter in Student's name, not on behalf of himself and Student. Though Father may have independent claims for reimbursement, he did not bring such claims in this case. Rather, he brought only claims on behalf of his child, but again without Mother's agreement or a Court order allowing him to do so.

In sum, the instant case as pleaded raises issues solely on behalf of Student and Father does not have independent standing to bring a complaint on Student's behalf, until both Parents agree or Father obtains a Court order allowing him to proceed with this due process matter. OAH must, in fairness, continue this matter pending further information regarding:

- A copy of the conservatorship order currently in force

- Information on whether Parents have sought input from the appointed attorney regarding reaching an agreement on the pending due process complaint
- Information regarding whether Father has filed an ex parte application or other petition with the Court seeking an order for permission to proceed with this due process filing and copies of any such filed documents and their respective orders
- The date for hearing on Father's petition for approval to proceed with this due process filing and anticipated date for obtaining the Court's ruling
- Other discussions or processes underway that may affect Father's status vis-à-vis Student's educational rights

OAH requires additional information to determine whether dismissal is appropriate at this time. Accordingly, this matter is continued as follows:

Briefing: By 5:00 PM on Friday, June 19, 2026, the parties shall file a brief, with exhibits as appropriate, addressing the five bullet points above and any other information the parties and intervenor deem necessary for OAH to consider.
Prehearing Conference: will be held on June 29, 2026 at 1:00 PM
Hearing: will be held on July 7, 8, and 9, 2026, unless otherwise ordered

OAH will consider the June 19, 2026 filings and may issue additional orders, including a further continuance, if warranted to obtain resolution of the outstanding issues regarding Student's conservatorship and Father's ability to proceed with this matter.

Intervenor's Motion to Dismiss remains on file and pending awaiting the further information sought, above. OAH takes no action on Father's motion for stay put pending resolution of Father's right to proceed in this matter.

IT IS SO ORDERED.

Ted Mann

Ted Mann
Administrative Law Judge
Office of Administrative Hearings