

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TWIN RIVERS UNIFIED SCHOOL
DISTRICT.

OAH Case Nos. 2014100484,
2014100485, 2014100487

ORDER DISMISSING CASES

On October 10, 2014, Mother filed a request for hearing and mediation (complaint) on behalf of Student (Case No. 2014100484). On October 11, 2014, Mother filed a second complaint (Case No. 2014100485). On October 13, 2014, Mother filed a third complaint (Case No. 201400487).

On October 22, 2014, Mother submitted a document dated August 13, 2009, stating that she had sole legal and physical custody of Student and authorizing Student's grandmother to consent to and authorize educational services for Student.

On November 4, 2014, Twin Rivers filed notification of a court-appointed surrogate parent and limitation of educational rights. Mother did not submit a response.

APPLICABLE LAW AND DISCUSSION

A parent has the right to file a complaint concerning the identification, evaluation, or educational placement of a child, or the provision of a free appropriate public education to a child. (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).) A court-appointed surrogate parent is a "parent" for the purpose of filing a complaint. (20 U.S.C. § 1401(23(D)); 34 C.F.R. § 300.30 (a)(5) (2006); Ed. Code, § 56028, subd. (a)(5).) A surrogate parent has authority to exercise all rights concerning special education services. (34 C.F.R. § 300.519(g) (2006); Gov. Code, § 7579.5, subd. (c).)

On May 16, 2014, Sacramento County Superior Court limited Mother's right to make educational decisions. As a result, a surrogate parent was appointed to represent Student's education needs. Student's surrogate parent holds his educational rights; Mother does not.

Since Mother no longer holds Student's educational rights, she did not have standing to file these complaints. (See *Driessen ex rel. B.O. and B.O. v. Lockman* (11th Cir., May 10, 2013, No. 12-13277) 518 Fed.Appx.) Accordingly, these cases are dismissed.

ORDER

1. Case Nos. 2014100484, 2014100485, 2014100487 are each dismissed and closed.
2. The Office of Administrative Hearings shall not accept a request for mediation or hearing Mother submits on behalf of Student without adequate proof that she holds Student's educational rights.
3. OAH shall take no action on any request for mediation or hearing Mother submits without adequate proof that she holds Student's education rights, and will confidentially destroy any such document.

IT IS SO ORDERED.

DATE: November 13, 2014

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings