

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. 2015030060

ORDER DISMISSING STUDENT'S  
COMPLAINT WITHOUT PREJUDICE

On February 26, 2015, Mother, on behalf of Student, filed with the Office of Administrative Hearings a request for a due process hearing against the Los Angeles Unified School District. Student was 21 years old when Mother filed the complaint on his behalf. Mother did not include any documentation that she possessed conservatorship over Student or that Student had transferred his educational rights to her.<sup>1</sup>

On May 18, 2015, as part of an Order Following Prehearing Conference, Student's Mother was directed to show cause by May 27, 2015, why this matter should not be dismissed by presenting proof that she had been appointed Conservator for Student. The purpose of proving her Conservatorship over Student was to demonstrate that she held Student's educational rights and was therefore the proper party to bring suit over his education and placement.

On May 22, 2015, the Order to Show Cause was amended to inform Mother that she would also have standing to bring suit if she were assigned Student's educational rights by him. As that was not expressed as a means by which she could show cause in the previous order, the previous order was incomplete. Accordingly, the previous order to show cause was amended, and Mother given until June 2, 2015, to comply.

Mother has not submitted documents that comply with the amended order to show cause that Student has either transferred his educational rights to her or that she has obtained

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<sup>1</sup> It is not stated in Student's complaint or District's prehearing conference statement how Mother was permitted to attend Student's individualized educational plan team meetings after his 18th birthday and make educational decisions on his behalf. It is not known if District complied with Education Code section 56041.5 and notified Mother and Student that when Student reached the age of 18, that Student's educational rights and decision making power transferred to him.

conservatorship over Student. Therefore, OAH Case No. 2015030060 is dismissed without prejudice. Mother may refile this matter with OAH if Student transfers his educational rights to Mother or Mother obtains conservatorship over Student.

IT IS SO ORDERED.

DATE: June 4, 2015

/s/

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PETER PAUL CASTILLO

Presiding Administrative Law Judge

Office of Administrative Hearings