

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015070667

ORDER THAT PARENT DOCUMENT
TRANSFER OF EDUCATIONAL
RIGHTS

During a prehearing conference before the Office of Administrative Hearings on October 5, 2015, Parent appeared on behalf of Student and represented that she held Student's educational rights, and that she had provided District with a copy of Student's transfer of educational rights to Parent. However, Parent has not filed proof with OAH that she holds Student's educational rights.

When a student with exceptional needs is a minor, his or her parents hold the educational rights for the student. Once the student reaches the age of majority at 18 years of age, the educational rights transfer to the student, with the exception of a student who has been determined to be incompetent. (Ed. Code, § 56041.5.) This statute does not prohibit a non-conserved adult from assigning educational decision making authority back to his or her parents, or another representative, after the non-conserved adult is deemed to possess those rights.

ORDER

1. Parent shall file a copy of Student's transfer of educational rights to Parent with OAH no later than October 15, 2015.

2. If Parent fails to file with OAH a copy of Student's transfer of educational rights to Parent by October 15, 2015, and Student does not personally appear at the hearing, then the matter may be subject to a motion to dismiss.

DATE: October 8, 2015

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings