

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024020444

ORDER TO SHOW CAUSE AS TO WHY MATTER SHOULD
NOT BE DISMISSED

JULY 10, 2024

On February 9, 2024, Student filed a Request for Due Process Hearing, called a complaint, with the Office of Administrative Hearings, naming Los Angeles Unified School District.

On June 11, 2024, Los Angeles Unified filed a Motion to Dismiss, alleging that Student's mother filed the complaint, but Student is over 18 years old and holds his own educational rights. Los Angeles Unified filed a declaration under penalty of perjury by the principal of the school Student attends, attaching letters of temporary conservatorship issued by the Superior Court of the State of California, County of Los Angeles, appointing Student's father, not mother, as temporary conservator of

Student on April 10, 2024, with an expiration of the temporary conservatorship on May 31, 2024. On June 12, 2024, OAH denied Los Angeles Unified's motion to dismiss because Student himself signed complaint at a time he was not conserved and the case therefore was filed by Student as the holder of his own educational rights, and at the time of Los Angeles Unified's motion, the temporary conservatorship had expired, and Student's educational rights reverted to him. OAH ordered Student to appear at the prehearing conference, called a PHC, on June 14, 2024, at 10:00 AM, and indicated Student's mother and father could also appear to assist Student and provide any additional information regarding the status of a conservatorship.

On June 14, 2024, Student did not appear, but Student's mother attended the prehearing conference and reported Student's father was Student's conservator. Mother requested Father join the prehearing conference, which he did. Father asserted the Los Angeles County Superior Court issued another temporary conservatorship in May 2024, with the expiration date of July 31, 2024.

Father, as asserted temporary conservator, on behalf of Student requested to continue the prehearing conference and due process hearing based on the asserted temporary conservator being unaware of the case until the day before the PHC and needing additional time to obtain an attorney and prepare for the due process hearing. OAH granted Student's request and directed Father to provide the current letters of conservatorship to Los Angeles Unified's attorney and to contact OAH to register as Student's education rights holder by providing the current letters of conservatorship to OAH. Once he did that, Father would receive copies of the documents currently filed in the case. As an additional courtesy, OAH provided to Father OAH's phone number and the name of the assigned case manager.

Since June 14, 2024, Father has not submitted to OAH a copy of the current temporary conservatorship order or other documentation establishing Father is Student's educational rights holder. As such, Father has not established he is a proper party to make, and receive service of, filings and notices regarding the case. At this time, Father has asserted but not established his authority to exercise Student's educational rights and OAH cannot accept documents filed by him, especially one taking dispositive action in the case.

On July 9, 2024, Father filed a form Request by Party to Dismiss Due Process Hearing Request, indicating the matter had settled outside of mediation or resolution session. The proof of service stated the document was served by First Class Mail to "DUE PROCESS/LAUSD" without any address, and by facsimile transmission or email without any phone number or email address. The proof of service is insufficient to establish service on Los Angeles Unified.

Given the Student's failure to provide satisfactory proof that he is conserved and that Father is the only temporary or permanent conservator, Student is ordered to show cause at the PHC on Friday July 12, 2024 at 3:00 PM as to why this matter should not be dismissed. Invitations to the videoconference will be emailed to Student at the address Mother registered for this case, and as a courtesy will also be emailed to Father. If

Father contacts OAH and provides documentary proof that he is Student's conservator with educational rights and requests party status, the PHC and this Order to show cause will be vacated and the case dismissed. However, without that information the PHC will be convened.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings