

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CLAREMONT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024080704

ORDER FOLLOWING PREHEARING CONFERENCE

DISMISSING DUE PROCESS COMPLAINT

SEPTEMBER 30, 2024

On September 30, 2024, Administrative Law Judge Ashok Pathi, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Parents appeared on behalf of Student. Student's grandmother also appeared to support Parents. Attorney Ernest Bell appeared on behalf of Claremont Unified School District, called Claremont. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

GRANDMOTHER LACKS STANDING TO BRING A DUE PROCESS COMPLAINT ON STUDENT'S BEHALF

On August 18, 2024, Student's grandmother filed the instant due process complaint on Student's behalf, naming Claremont.

On September 6, 2024, Claremont filed a motion to dismiss Student's due process complaint, asserting that Student's grandmother lacks standing to bring a due process complaint on his behalf, because she does not Student's educational rights.

On September 13, 2024, OAH denied Claremont's motion to dismiss without prejudice pending the prehearing conference. In that order, OAH informed Student that if he did not demonstrate that Student's grandmother held his educational rights, OAH would dismiss this complaint.

On September 27, 2024, Parents filed another due process complaint on Student's behalf, naming Claremont.

During the PHC, the undersigned asked Student for clarification as to the purpose of the September 27, 2024, due process complaint. Student explained that the September 27, 2024, complaint was meant to replace the instant complaint filed by Student's grandmother. The undersigned asked whether Student wished to proceed with the instant complaint. Parents explained that they did not, but wished to proceed with the September 27, 2024, complaint.

Student did not establish that his grandmother held his educational rights. Rather, Parents confirmed that she did not hold Student's educational rights. Grandmother did not establish that she is a licensed attorney. Because Student's grandmother does not hold his educational rights, and is not a licensed attorney, she

lacks standing to bring a complaint. Therefore, Student's complaint filed August 18, 2024, is dismissed.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the prehearing conference.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi

Administrative Law Judge

Office of Administrative Hearings