

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026051079

ORDER FOLLOWING PREHEARING CONFERENCE
DISMISSING COMPLAINT

JULY 6, 2026

On May 26, 2026, Father, on behalf of Student, filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, naming Los Angeles Unified School District. The complaint alleges Los Angeles found Student eligible for special education. Father, on behalf of Student, requests that Los Angeles exit Student from special education.

On July 6, 2026, Administrative Law Judge Jeanie Min held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The prehearing conference is called a PHC.

Attorney John Lazor represented Student. Father appeared on behalf of Student. Mother did not attend the PHC. Attorney Jackie Dai represented and appeared on behalf of Los Angeles Unified School District. The PHC was recorded.

After taking the matter under submission, the complaint as written calls for an advisory opinion, which OAH does not issue. Special education due process hearings are limited to an examination of the time frame pleaded in the complaint and as established by the evidence at the hearing and expressly do not include declaratory decisions about how the IDEA would apply hypothetically. (Gov. Code, § 11465.10-11465.60; Cal. Code Regs, tit. 5, § 3089; see also *Princeton University v. Schmid* (1982) 455 U.S. 100, 102 [102 S.Ct. 867, 70 L. Ed. 2d 855] [“courts do not sit to decide hypothetical issues or to give advisory opinions”]; *Stonehouse Homes v. City of Sierra Madre* (2008) 167 Cal.App.4th 531, 539-542 [court deemed the matter not ripe for adjudication because it was asked to speculate on hypothetical situations and there was no showing of imminent and significant hardship].)

Due process hearing procedures extend to the parent or guardian. (Ed. Code, § 56501, subd. (a).) The term “parent” is defined in 34 Code of Federal Regulations part 300.30(a) (2006) and Education Code section 56028 subdivision (a) to include biological parents, among others. When there is more than one biological parent, they are both presumed to be a “parent” unless the biological parent does not have legal authority to make educational decisions for the child. (34 C.F.R. § 300.30(b)(1); Ed. Code, § 56028, subd. (b)(1).)

Similarly, parents with educational rights have the authority to exit their child from special education at any time. (20 U.S.C. § 1414(a)(1)(D); 34 C.F.R. § 300.9(c)(1); Ed. Code, § 56346, subds. (b)(-)(d); 71 Fed. Reg. 73,010 (2008); *Letter to Ward* (OSEP 2010) 56 IDELR 237.) Parents must provide revocation of consent in writing. (34 C.F.R.

§ 300.300(b); Ed. Code, § 56346, subd. (d).) Disagreements between parents who both have the right to make educational decisions for the student do not affect a district's obligation to discontinue services upon revocation of consent. (See *Letter to Cox* (OSEP 2009); 54 IDELR 60.) Any party that meets the definition of parent in 34 Code of Fed. Regs. 300.30, subd. (a) with the legal authority to make educational decisions on the child's behalf has the right to revoke consent.

Through the complaint, Father seeks to exit Student from special education. OAH's jurisdiction is limited to matters relating to the identification, assessment, or educational placement of a child, or the provision of a free and appropriate education to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511; Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.) The complaint does not seek an adjudication of any such matter. The complaint seeks a declaratory judgment from OAH regarding whether Father may revoke consent to the provision of special education services to Student. OAH does not have jurisdiction to give advisory opinions. As there is no right of action for a parent to affirmatively exit a child from special education through a due process hearing, the matter is dismissed.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Jeanie Min".

Jeanie Min

Administrative Law Judge

Office of Administrative Hearings