

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SALINAS UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026061312

ORDER DENYING MOTION TO DISMISS ISSUES FOR LACK
OF STANDING

JULY 16, 2026

On June 26, 2026, Parents, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Salinas Union High School District as respondent. On July 10, 2026, Salinas filed a Motion to Dismiss alleging OAH lacks jurisdiction to adjudicate the issues alleged in the complaint because Parents lacked standing to pursue a claim before OAH given Student's 18th birthday in December of 2024. On July 14, 2026, Student filed an opposition to Salinas' motion to dismiss his case. Salinas filed a reply to Student's opposition on July 15, 2026.

APPLICABLE LAW

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.) is to “ensure that all children with disabilities have available to them a free appropriate public education,” and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint “with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.” (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

When a student turns 18, unless the Student has been conserved, the state of California requires that school districts give adult Students notice of their procedural safeguards, along with their parents. All other rights given to a parent under the IDEA and California special education laws transfer to the adult student. The school district is required to give notice of the transfer of rights to the adult student and to parents. (Ed. Code § 56041.5; and see, 20 U.S.C. § 1415(m).)

Salinas asserts Student turned 18 in December of 2024, therefore, Parents had no right to file this request for due process hearing. Salinas argues the proffered assignments of rights establishes Parents did not have educational rights when the case was filed. Student argues that he transferred educational rights to his Parents on February 11, 2025, for the 2024-2025 school year, and updated the transfer of rights on July 10, 2026. The updated document was not offered with an English translation.

Whether, and for what period of time, Student assigned his educational rights to his Parents is a question of fact. The claims raised in the complaint are facially within

OAH jurisdiction. There is no summary judgment procedure in special education cases. Salinas has offered no persuasive legal authority requiring the dismissal of Student's claims prior to hearing. Prior OAH orders and decisions are not precedential. (Cal. Code. Regs. tit. 5, § 3085.)

Salinas cites to a Second Circuit Court of Appeal case in support of its dismissal motion that is not on point. That case, *Fuentes v. Board of Education of City of New York* (2d. Cir. 2009) 569 F. 3d 46, pertained to a non-custodial Parent, with no educational rights, and was brought under New York state law. The IDEA gives states, receiving federal IDEA funding, the option to allow educational rights to transfer to a Student who reaches the age of 18. (20 U.S.C. § 1415(m).) However, that case did not involve transfer of educational rights when a student reached majority. Following receipt of a requested certified opinion from the New York court of Appeals, which specified its opinion it was based on New York state law, the Second Circuit Court of Appeals found the non-custodial parent who did not have educational rights also did not have standing to bring claims on Student's behalf. The *Fuentes* case is not persuasive authority on the issue of whether this Student's claims should be dismissed prior to hearing.

Furthermore, some of Student's allegations involve claims that Salinas owes reimbursement to Parent for educational expenditures during the 2024-2025 school year, that were accrued prior to the date Student turned 18. Every individual with exceptional needs who is eligible to receive special education instruction and related services shall receive that instruction and services as no cost to his or her parents, or, as appropriate, to him or her. (Ed. Code § 56040(a).) Parents continue to have standing to pursue their own claims that fall within the statute of limitations, or its exceptions.

ORDER

1. Salinas' Motion to Dismiss is denied.
2. The matter shall proceed as scheduled.
3. Nothing in this order prohibits Salinas from raising Parents' lack of educational rights as an affirmative defense at hearing.
4. Student is on notice that OAH only accepts documents to be offered into evidence in English. Therefore, documents in other languages must be translated into English prior to being submitted as an exhibit.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings