

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

UNIVERSITY PREPARATORY ACADEMY.

OAH CASE NUMBER 2026060489

ORDER DISMISSING CASE FOR LACK OF
EDUCATIONAL RIGHTS

AUGUST 25, 2026

On June 5, 2026, Father, on behalf of Student, filed a request for due process hearing, complaint, with the Office of Administrative Hearings, referred to as OAH, naming University Preparatory Academy. The Prehearing Conference is presently scheduled for 1:00 PM on August 28, 2026, and due process hearing for September 9 through September 10, 2026. University Preparatory Academy has a pending motion to dismiss, filed August 12, 2026, regarding Father's standing to prosecute this action, to which Father filed a response on August 17, 2026.

On August 12, 2026, OAH issued an Order to Show Cause as to Why Matter Should Not be Dismissed based on the ruling in *G.D. v. Morazzini* (N.D. Cal. Aug. 7, 2026,

Case No. 5:26-cv-01672-EJD) 2026 WL 2283558. This District Court Order found that Father did not have legal standing to prosecute his legal action against East Side Union High School, OAH Case No. 2025101092, because he did not have legal custody of Student, and therefore not a 'parent' with standing to bring an action under the Individuals with Disabilities Education Act. (*Id.*, at *5.) On August 19, 2026, Father submitted a response to the Order to Show Cause. University Preparatory Academy submitted its response on August 24, 2026, in support of dismissing Father's case.

APPLICABLE LAW

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.), called the IDEA, 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.) Due process hearing procedures extend to the parent or guardian. (Ed. Code, § 56501, subd. (a).)

The IDEA conveys rights to parents and children, and grants parents independent, enforceable rights. (*Winkelman v. Parma City Sch. Dist.* (2007) 550 U.S. 516, 529, 533 [127 S.Ct. 1994] (*Winkelman*); see also *Latynski-Rossiter v. District of Columbia* (D.C. 2013) 928 F.Supp.2d 57, 62 (holding that that parents have standing to pursue reimbursement claims under the IDEA, even after the student has reached the age of majority and IDEA rights have transferred to the student).) Because parents enjoy rights under the IDEA, they are entitled to prosecute IDEA claims on their own behalf. (*Winkleman*, supra, 55 U.S. at p. 518.)

Parents have 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,” called FAPE. (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).) OAH has jurisdiction to hear due process claims arising under the IDEA. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

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).)

When a judicial decree or order identifies a specific person or persons as having authority to make educational decisions on behalf of a student, that person is determined to be the parent for purposes of the IDEA. (34 C.F.R. § 300.30(b)(2); Ed. Code, § 56028, subd. (b)(2).) When the parents of a student are divorced, the parental rights established by the IDEA apply to both parents, unless a court order or state law specifies otherwise. (*Assistance to States for the Education of Children with Disabilities and Grants for Children with Disabilities*, 71 Fed. Reg. 46568 (August 14, 2006); see also *Letter to Biondi* (October 7, 1997) Office of Special Education Programs (OSEP), *Letter to Best* (January 8, 1998) OSEP, and *Letter to Serwecki*, (February 28, 2005) OSEP.)

In California, joint legal custody means that both parents share the right and the responsibility to make decisions relating to the health, education, and welfare of a child. (Fam. Code, § 3003.) Sole legal custody means that one parent shall have the right and the responsibility to make the decisions relating to the health, education, and welfare of a child. (Fam. Code, § 3006.)

DISCUSSION

When Father filed the complaint, Mother pursuant to January 27, 2026, order from the Superior Court of California, County of Santa Clara, had sole legal custody of Student. The Superior Court reaffirmed its decision twice, on March 12, 2026 and May 21, 2026. Father admits in the response that the “most recent custody order — the Findings and Order After Hearing from the June 8, 2026 hearing, filed July 6, 2026 . . . orders that ‘Mother shall continue to have temporary sole legal custody of [Student]’”

G.D. v. Morazzini affirmed the OAH Order in the prior case between these parties that dismissed Father’s due process hearing request because when the Superior Court awarded Mother sole legal custody, she became the only parent who could make educational decisions for Student. Mother still has sole legal custody.

Father contends that *G.D. v. Morazzini* only involved whether he had standing to bring action in federal court and that he still has the right to an evidentiary hearing before OAH. However, the District Court rejected this argument as:

First, as discussed above, [Father] still does not have legal custody over [Student]. Thus, even if the Court were to order OAH re-initiate proceedings, the same result would inevitably occur—under California law, OAH could not afford [Father] the relief he seeks unless and until he regains legal custody. See 34 C.F.R. § 300.30(b)(2); Cal. Educ. Code § 56028(b)(2) (providing that when a judicial decree or order identifies a specific person as having the sole authority to make educational decisions on behalf of a student, that person is the only “parent” who has standing to prosecute IDEA claims).

(*G.D. v. Morazzini* (N.D. Cal. Aug. 7, 2026, Case No. 5:26-cv-01672-EJD) 2026 WL 2283558, *5.)

Therefore, OAH has no choice but to dismiss this complaint.

ORDER

1. Father's case on behalf of Student is dismissed.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo

Division Chief Administrative Law Judge

Office of Administrative Hearings