

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL  
DISTRICT,

OAH CASE NO. 2010070435

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PALO ALTO UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011030401

ORDER GRANTING REQUEST TO  
CONTINUE BRIEFING SCHEDULE

On May 10, 2011, the Palo Alto Unified School District (District) filed a request to continue the briefing schedule in this matter until the Superior Court of Santa Clara County determines who holds Student's educational rights. (Ed. Code, § 56041.5.)

From the date of the filing of the complaint on July 27, 2010, through the conclusion of testimony on April 20, 2011, Student was a minor and Father possessed his educational rights. At the conclusion of testimony, the parties agreed that their closing briefs were to be filed with the Office of Administrative Hearings (OAH) by 5:00 p.m. on May 16, 2011. In addition to discussing the briefing schedule, the undersigned Administrative Law Judge informed Father that, because Student turned 18 years old after the completion of the hearing and before the submission of the closing briefs, Father needed to submit documentation that Student transferred his educational rights to Father or wanted Father to continue this action on his behalf or that the Superior Court of Santa Clara County appointed Father as Student's conservator.

On May 6, 2011, Father filed with OAH Student's assignment of his educational rights to Father, dated April 25, 2011. Around the same date, Father and Mother filed competing petitions with the Superior Court of Santa Clara County to be appointed as Student's conservator. An initial hearing was held on May 5, 2011, in which the Probate Court Judge held that pending a further decision neither parent was authorized to make educational decisions regarding Student without the approval of the Probate Court Judge.

The Probate Court Judge scheduled a hearing for May 17, 2011, on the Parents' competing petitions to be appointed as Student's conservator. Because Father has not obtained the approval of the Probate Court Judge, he does not have the legal authority to continue to prosecute this matter on behalf of Student, which includes the filing of a closing brief.

Therefore, District's request to continue the briefing schedule is granted until the Superior Court of Santa Clara County issues an order regarding who possesses Student's educational rights. A telephonic status conference is scheduled for 10:00 a.m., on May 20, 2011, to discuss the status of the conservatorship petitions. Father is hereby ordered to serve any copy of any order issued by the Superior Court of Santa Clara County regarding Student's educational rights on the District and OAH within one business day after the issuance of the order.

IT IS SO ORDERED.

Dated: May 13, 2011

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings