

22-7430

IN THE

SUPREME COURT OF THE UNITED STATES

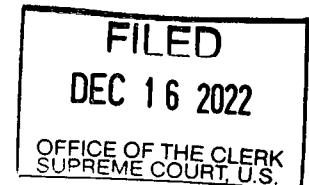
ORIGINAL

Debora Donathan - Petitioner

Vs.

California

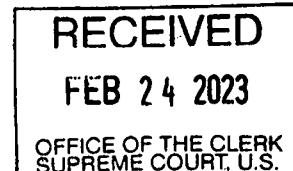
Los Alamitos School District, Orange County Public Defender's Office, Sheryl Walsh, Esq. for the State, Del Sol School - Dr. Kim Nguyen, John Donathan Sr.



ON PETITION FOR WRIT OF CERTIORARI TO

Court of Appeal 4th District, 3rd Division

Debora Donathan, BSW, M.ED, RBT  
7100 Fulton Way  
Stanton, CA 90680  
562-458-5426



Did the California Court act in Obstruction of the Federal Individuals Disabilities Act (IDEA) Jurisdiction and Protections?

Did the California District Court Collude with the Los Alamitos School to Circumvent Due Process under Federal Procedural Safeguards?

Did the Court Falsify Documents/Record by Adding Proposed Conservatee's Name as an Objector on the Opinion?

Does the falsifying of Document/Record bias the case/decision/opinion in the furtherance of Due Process?

Does the falsifying of the Document/Record cover up the violation of Due Process and Procedure - manipulate the reality of the case thereby denying Due Process?

Did the California Court violate Due Process?

Did the California Court violate Constitutional Parental Rights

Jurisdiction - Did the Central Justice Center act out of jurisdiction and violation of procedural custody Family Law Orders. There is a family law attorney of record from 2004 to date, Indu Srivastiv, Esq.

Did Central Justice Center have jurisdiction to overturn Administrative Law Judge Decision in favor of proposed Conservatee and Appellant against Los Alamitos School District in the Office of Administrative Hearings?

Did Central Justice Center have Jurisdiction and authority to adjudicate a Special Education case denying Proposed Conservatee and Appellant Federal Protections

and germane law under IDEA Procedural Safeguards of the Individuals with Disabilities Education?

Due Process - Did the Central Justice Center violate Due Process by denying the trial to determine the mandatory settlement conference regarding 3rd parties?

Judge Did the Public Defenders' Office, Diane Ysaguirre and Honorable Gerald Johnston violate due process and procedure by stating Gianna Gruewald, mediator, told the Public Defender someone was supposed to ask for a third party to at the trial date hearing decide (Exhibit )4-26-22 (4).pdf for a 3rd party GAL on the matter. The mistake gives the State all decision making without Due Process, Federal and Constitutional Protection - relinquishing all rights and public costs for the care of Special Need Adult. The matter of 3rd parties is the issue set for trial.

Did the court violate procedure and jurisdiction by taking a Special Education Case from an Education Law Firm in the Procedural Safeguard of Due Process, obstructing Independent Education Evaluation per procedural safeguards - team of experts to Safeguard FAPE and recommendations for John Donathan II. IEE's evaluators are expert witnesses.

- Did the Central Justice Center unreasonably deny Evidence in violation of Procedure and Evidence Code in light of COVID Restrictions - Court Closed - Filings were submitted via email
- Conflict of Interest - Did 4th District, 3rd Division act in Conflict of Interest is accordance to In accordance with The federal conflict of interest rules are

found at 18 U.S.C. § 208 with implementing regulations at 5 C.F.R. § 2635.402. Appellant is requesting the case to be moved to another District Court and Court of Appeal due to the conflict of interest and inability to receive a fair hearing. The issues involve Mari Barke, president of the Orange County Department of Education School Board and her husband Dr. Jeff Barke who was the former President of the Los Alamitos Board of Education. The Respondents on this matter are the Orange County Public Defender's Office and Presiding Judge Gerald Johnston in the Probate Department who is at the helm of mistakes executed by these Orange County Agencies. It further extends to the Orange County Department of Education and the District Attorney's Office. Orange County Board Supervisor Andrew Do represents Los Alamitos School District and is a former Assistant District Attorney. In addition, Orange County Supervisor Donald Wagner's Assistant acted as campaign Manager for Mari Barke for reelection as OC School Board President. Mari Barke and District Attorney Todd Spitzer are friends and campaigned together.

- It is understandable and reasonable these relationships would develop in this realm; however, it demonstrates a conflict of interest due to the monetary implications to Orange County. Orange County Government agencies can't adjudicate themselves. These are issues that expose the exploitation of Special Needs Students for the financial gains of school districts and Del Sol School in

the City Cypress. It is an exploitation and violation of human

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rights afforded to children and adults with disabilities by the Constitution and the Individuals with Disabilities Education Act (IDEA) and Adults with Disabilities Act (ADA) as would be evidence to the Supreme Court of California.

Did the court violate Petitioner's and Proposed Conservatee's Constitutional rights by overreaching and encroaching into authority without cause and compelling circumstance?

#### **LIST OF PARTIES**

Judge Gerald Johnston, Dianne Herring - Ysaguirre Orange County Public Defender, Sheryl Walsh, Esq. for the State, Los Alamitos School district, Del Sol School, John Donathan Sr.

#### **RELATED CASES**

Los Alamitos School District v. Parents of John Donathan II -  
California Supreme Court S276931

S277649 - G059954

California Supreme Court S278414 - G060634  
Appellate Court 4th District, 3rd Division - G061128

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**Appendix G - Family Law Order evidencing no conflict and disagreement to be brought to Family Court - Reliance on the Law, Due Process. No history or pattern of conflict. A GAL was generated by the district court and Public Defender's Office, not a result of conflict between parents as being fabricated or a Special Education case. A SPECIAL EDUCATION CASE WAS NOT, IS NOT TO BE ADJUDICATED IN A PROBATE COURT.**

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**Appendix H - Trainings and Education**

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No Fee Retainer Agreement with Education Law Firm 12/16/2019

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**Appendix M - Text from John Donathan Sr. evidencing collusion with Public Defenders office and Sheryl Walsh for the State -**

*Appendix N - Los Alamitos School District - Approval of IEE's per IDEA  
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**TABLE OF AUTHORITIES CITED**

*Miguel Luna Perez v. Sturgis Public Schools Board of Education (2018)*

Being heard in the Supreme Court of the United States, January 18th, 2023

***Pierce v Society of Sisters, 268 U.S. 510 (1925)***

The fundamental theory of liberty upon which all governments of the Union rest excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only - it is unreasonable interference with the liberty of the parents and guardians to direct the upbringing of the children, and in that respect violates the Fourteenth Amendment 268 U.S. 534.

**\*I.R. v LAUSD**

The Appellate panel concluded that a school district did not initiate a due process hearing within a reasonable time after a child's parents failed to consent to the provision of services necessary to provide a Free Appropriate Public Education. California Education Code § 56346(f) required the school district to initiate a due process hearing if it determined that a portion of an Individualized Education Program to which the parents did not consent was necessary to provide the child with a FAPE. The panel concluded that a period of a year and a half was too

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long for the school district to wait to initiate the hearing. The panel remanded for the district court to determine the appropriate remedy for the injury of the child remaining in an inappropriate program for a much longer period of time than should have been the case. I.R. V. LOS ANGELES USD

*OAH Case No. 2018081156 Los Alamitos School District v. Parents on Behalf of Student* - Summary of Decision - Los Alamitos failed to prove that the IEP dated March 13, 2018, offered Student a FAPE. Los Alamitos did not comply with the procedures set forth in the IDEA in developing the IEP. Los Alamitos failed to prove that the assessments upon which the offer of special education and related services are based complied with the law. The evidence did not establish Student was appropriate assessed in the area of cognition. Los Alamitos Occupational Therapists failed to seek or obtain Parent input with regard to the 2018 occupational therapy evaluations and their reports did not include the requisite information to meet legal standards

Substantive No. 69 - The evidence established that Los Alamitos engaged in multiple procedural violations, which resulted in the denial of FAPE because the violations undermined the very essence of the IEP, parental participation in the IEP formulation process. Among other things, and as discussed above, in developing the IEP dated March 13, 2018, Los Alamitos's assessments upon which its 2018 offer of special education and related services was based did not comply with the law and Los Alamitos

held IEP team meetings without required members present. These violations significantly impeded Parents' participation rights, and as such, denied Student FAPE. Regardless of all the other procedural and substantive aspects of FAPE the parties attempted to litigate in this case, Los Alamitos did not meet its burden of demonstrating that the 2018 IEP offered Student FAPE because of demonstrating that the 2018 IEP offered Student a FAPE because of these significant procedural violations. Since

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the violations addressed in this Decision undermined the very essence of the 2018 IEP, it is not necessary to address the other procedural or substantive aspects of the offer. Without proper assessments and parental participation in the IEP process, there can be no appropriate substantive offer. District may not implement the IEP dated March 13, 2018 without parent consent.

***OAH Case No. 2021020128/2021030289 Parent v. Los Alamitos Unified School District and Los Alamitos School District v. Parent (Consolidated Matter)***

**Order 1 - Los Alamitos failed to meet all legal requirements for assessments**

**Order 2 - Los Alamitos School District will fund independent educational assessments of Student to be conducted by assessors chosen by the Student**

***OAH Case No. 2021050241 Parent V. Los Alamitos Unified School District -***

**Issue 4(c) Los Alamitos Denied a Student a FAPE in the 2020-2021 school year by denying parents an opportunity to meaningfully participate in the IEP decision making process by, among other things, failing to timely and clearly communicate with Parents, failing to respond to communication from Parents, failing to consider Parents' input, and failing to communicate with parents.**

*Los Angeles County Department of Children and Family Services v. Patricia A. B306103 2nd Appellate District, Division 7*

The Appointment of a Guardian Ad Litem transfers the direction and control of litigation from the parent to the State; appointment of a Guardian Ad Litem is not to restrain a parent - without finding or evidence

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#### **INDEPENDENT EDUCATIONAL EVALUATIONS**

**PROCEDURAL SAFEGUARDS (Sec 300.504) – A PARENT IS ENTITLED TO ONLY ONE (1) INDEPENDENT EDUCATIONAL EVALUATION AT THE PUBLIC EXPENSE EACH TIME THE DISTRICT CONDUCTS AN EVALUATION WITH WHICH THE PARENT DISAGREES.**

"[T]he failure to receive and consider parental information, including evaluations they may obtain, directly denies parents the pivotal role they should enjoy in the development of their child's placement. This role includes not only providing evaluations or other information, but discussing such information. Consideration of such outside information also ensures that a program is individualized and provides a check on the judgments being made by school officials regarding the child."

*Community Consolidated Sch. Dist. No. 180, 27 IDELR 1004, 1005-06.*

Parent participation in the decision-making process is mandated by the Act. It constitutes a denial of a free appropriate public education if a school system significantly impedes the parents' participation in the decision-making process. 34 C.F.R. §300.513(a)(2)(ii). In many cases,

independent evaluations provide support for the parents' opinions and requests. When a school district refuses to consider an independent evaluation, it not only denies equal and meaningful input from the parents, but it also prevents important

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information from being considered by the IEP team that develops the IEP.

Parents are not the only ones to find IEEs valuable. Sometimes, school districts request IEEs when they lack the personnel or expertise to conduct a particular type of evaluation. A school district may seek an IEE to assuage parental concerns about the fairness or accuracy of an evaluation.

#### **What is Required of School Districts?**

The federal regulations direct school districts to inform parents of their right to obtain an IEE, where they may obtain an IEE and the agency criteria applicable to the IEE. 34 C.F.R. §300.502(a)(2).

Consideration of parentally obtained evaluations by the IEP team is not discretionary, it is mandatory. 34 C.F.R. 300.503(c). ("If the parent obtains an independent educational evaluation at private expense, the results of the evaluation (1) Must be considered by the public agency in any decision made with respect to the provision of a [free appropriate public education] to the child.") (Emphasis added.) This does not mean that the school

district must accept the findings or recommendations in the IEE. It means that the IEP team must review the IEE and discuss it as appropriate. In this regard, the requirements placed on school districts are fairly minimal

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Parents may obtain an IEE at their own expense and, as noted above, the school district must consider it in making decisions regarding the child's educational needs. However, the IDEA also has procedures which allow parents to obtain an IEE at public expense.

If the school district does not have the personnel or resources to conduct an evaluation that an IEP team has identified as needed, the school district must obtain a private evaluation at its own expense. Or, if the school district determines that an IEE is needed or should be conducted for any reason, in most situations, the school district has to pay for the evaluation. A hearing officer may also order an IEE in which case it will be at public expense. 34 C.F.R §300.502(d).

When the student's parents disagree with the school district's evaluation and request an IEE at public expense, the school district must pay for the IEE or request a due process hearing. 34 C.F.R §300.502(b)(2). In other words, the school district cannot simply refuse or ignore the parents' request for an independent evaluation. If the school district decides to request a due process hearing, it must do so "without unnecessary delay."

34 C.F.R §300.502(b)(2). Failure to request a due process hearing in a timely

manner, may result in a waiver by the school district to challenge the parents' request for an IEE. See *Pajaro*

*Valley Unified School District v. J.S.*, 2006 U.S. Dist. LEXIS 90840 (N.D. Cal. 2006). If the school district requests a due process hearing, it has the burden of proof and must prove to a hearing officer that the school evaluation was sufficient. Even if the school district does not conduct an evaluation, the student's parents may be entitled to an IEE at public expense if the school district refused to conduct evaluations. *Haddon Township Sch. Dist. v. New Jersey Dept. of Edu.*, 67 IDELR 44 (N.J.S.C. 2006).

#### **20 USC 1401(5)(A) LEAST RESTRICTIVE ENVIRONMENT**

To the maximum extent appropriate are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Board of Ed. of Hendrick Hudson Central School Dist. v. Rowley 458 U.S. 176

(1982). First decision in a special education case by the U. S. Supreme Court; defined "free appropriate public education" in the least restrictive environment.

Carter v. Florence County, U. S. Court of Appeals for the Fourth Circuit.

Florence County School District Four v. Shannon Carter.

Hartmann v. Loudoun County, U.S. Court of Appeals for the Fourth Circuit, inclusion and LRE for child with autism (1997).

L.B. and J.B. ex rel. K.B. v. Nebo UT School District, U. S. Court of Appeals for the Tenth Circuit. Parents of child with autism reimbursed for ABA therapy and private preschool which was LRE; also impartiality of hearing officer. (August 2004)

T. R. v. Kingwood Township (NJ) (3rd Cir. 2000) Clarifies requirement to provide a "free appropriate education (FAPE)" in the "least restrictive environment, meaningful benefit, continuum of placements. Zachary Deal v. Hamilton Dept. of Education (TN Due Process Decision Aug 2001)

**Administrative law judge issues 45 page decision after a 27-day due process hearing; finds procedural safeguards and LRE violations;**

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**substantive violations; discusses credibility problems with school witnesses re: closed minds, evasiveness.**

**\* Independent Educational Evaluations**

**\* IDEA 1400(d)- The purpose of the Individuals with Disabilities Education Act is "to ensure that all children with disabilities have available to them a free appropriate education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living."**

## **IDEA PROCEDURAL SAFEGUARDS**

**\* IDEA 1401(34) Transition Services - Transition services must be included in all IEPs when the student reaches age 16 and may be included for younger students if deemed appropriate by the IEP team (*OSEP Letter to Anonymous*, 17 EFLR 842). Preventing school drop-out is to be a major factor in determining when transition services are needed (*OSEP Letter to Bereuter* 20 IDELR 536). See also Appendix A to IDEA 92**

**Transition services are a coordinated set of activities that promote movement from school to such post-school activities as post-secondary education, vocational training, employment, adult services, independent living and community participation. They must be based on the individual**

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**student's needs, taking into account his or her preferences and interests.**

**Transition services must include instruction, community experiences, and development of employment and other post school adult living objectives. If appropriate, daily living skills and functional vocational evaluation may also be included.**

**If the IEP team determines an individual student does not need services in one or more of these areas the IEP must contain a statement to that effect and the basis upon which the determination is made (*OSEP Letter to Cernosia 19 IDELR 933*). The term 'transition services' means a coordinated set of activities for a child with a disability that-(A) is designed to be a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community**

participation;(B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; (C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational

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evaluation. (See "Definitions" in Section 1401 The phrase "further education" and the emphasis on effective transition services is new in IDEA 2004. Section 1400(c)(14) describes the need to provide "effective transition services to promote successful post-school employment and/or education.

**\* THE UNITED STATES COURT OF APPEALS**

**FOR THE EIGHTH CIRCUIT**

**93 F.3d 1369 YANKTON SCHOOL DISTRICT,Appellant,v.**

**HAROLD AND ANGIE SCHRAMM,Appellees**

**No. 95-3343August 22, 1928**

***Honig v. Doe, U.S. Supreme Court on January 20, 1988***

• The rights of parents to the care, custody and nurture of their children is of such character that it cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions, and such right is a fundamental right

protected by First, Fifth, Ninth, and Fourteenth Amendments. *Doe v. Irvin*  
*Unfit States District Court of Michigan (1977)*

- The fundamental liberty interests of natural parents in the care, custody, and management of their own child is protected by the 14th amendment. *Santosky v Kramer United States Supreme Court (1982)*

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- Statutes and rulings that infringe upon the fundamental rights are presumptively unconstitutional and a substantial burden rests on the state. not citizens to prove its case.
- The liberty interest at issue in this case— the interest of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court *Troxel v. Granville United States Supreme Court (2000)*
- It is well settled quite apart from the equal protection, if a law infringes upon a fundamental right explicitly or implicitly secured by the Constitution it is presumptively unconstitutional *Harris v McRae United States Supreme Court (1980)*
- The Constitution protects “the interest of a parent in the companionship, care, custody, and management of his or her children” *Stanley v Illinois United States Supreme Court (1972)*
- It is well-settled that parents have a liberty interest in the custody of

their children. Hence, any depreciation of that interest by the state must be accomplished by procedures meeting the requirements of due process.

**Hooks v. Hooks United States Court of Appeals (1985)**

- A Parent's Constitutionally protected right to rear his or her children without state interference, has been recognized as a fundamental "liberty" interest protected by the Fourteenth Amendment and also as a fundamental right derived from the privacy rights inherent in the constitution. *In re Smith Washington Supreme Court (1998)*

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- Parents have comparable interests under our state constitutional protections of liberty and privacy rights "The right to the custody and control of one's child is a fiercely guarded right in our society and in our law. It is a right that should be infringed upon only under the most compelling circumstances. *Brooks v. Parkerson Georgia Supreme Court (1995)*

- Indeed, the right to rear one's children is so firmly rooted in our culture that the United States Supreme Court has held it to be a fundamental liberty interest protected by the Fourteenth Amendment to the United States Constitution. *Hawk v. Hawk Tennessee Supreme Court (1993)*

- The right of a parent not to be deprived of parental rights without a showing of fitness, abandonment or substantial neglect is so fundamental and basic as to rank among the rights contained in the State and Federal Constitutions. *In re J.P. Utah Supreme Court (1982)*

**Requiring a State to demonstrate a compelling interest and show that it has adopted the least restrictive means of achieving that interest is the most demanding test known to Constitutional Law. *City of Boerne v Flores* United States Supreme Court (1997)**

**To satisfy strict scrutiny, the state must show that a statute furthers a compelling state interest by the least restrictive means practically available. *Bernal v. Fainter* United States Supreme Court (1984)**

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**OPINIONS BELOW**

The opinion of the Court of Appeal, 4th District, 3rd Division in the State of California state to review the merits appears at Appendix A to the petition and unpublished.

The decision of the Court of Appeal, 4th District, 3rd Division in the State of California petition for rehearing appears in Appendix B.

The Supreme Court of California received for review on

**JURISDICTION**

The date on which the highest state court decided my case was 8/25/2022. A copy of

that decision appears at the Appendix A.

A timely petition for rehearing was thereafter denied on the following date 9/16/2022, and a copy of the order denying rehearing appears at Appendix B.

The jurisdiction of this Court is invoked under 28 U.S.C.1257(a)

The heart of the matter is the adjudication of a Special Education matter outside the jurisdiction of Federal Procedural Safeguards without consent or motion to do so. This is a Federal Matter that is regulated by IDEA and procedural safeguards.

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#### **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

#### **STATEMENT OF THE CASE**

**This case speaks to the violation and threat of IDEA and ADA Federal Protections thereby denying the public funding for the care of our Special Needs Population. Moreover, the Los Alamitos School District, District Representation worked with the Probate entities Sheryl Walsh, Esq. to pick and chose parents who will not seek the Federal Protections and**

Fund IDEA via the Probate Court. In this matter, obstructed , absolved, and covered up the improprieties in the Due Process via Special Education Procedural Safeguards. There was Special Education Due Process Procedural Safeguards being executed by an Educational Law Firm. This appears to be a customary practice in the courts. The placing a state court officer as representative of Proposed Conservatee's needs allows the courts to proceed outside the law and be a gatekeeper to public resources for the care of Proposed Conservatee. It is also stealing tax payer resource without cause. Resource that can go to the care of Proposed Conservatee. This appears to be generated by Orange County California government agencies. I am an Orange County Educator for the Cypress School District which is adjacent to the Los Alamitos School

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District. I received an Education from the Cypress School District, growing up in the area and have lived in the area raising my 3 children for approximately 22 years. My education and experience in the Human Service Field expands my adult life - approximately 30 years. This includes a Children's Social Worker for the Department of Children and Family Services (DCFS) in Los Angeles County, working for the Institute for Applied Behavioral Analysis, Working for the Garden Grove School District as an Intensive Behavioral Instructional Aid (IBIA), Residential Treatment Centers for Adolescents, - Olive Crest and Harbor View Center, Field Work with the Terminally Ill for Helping Hands and the Aging with

Meals on wheels as part of my College Curriculum, Registered Behavior Technician (RBT), and many trainings specific to the special care and education of Special Needs. My primary income has been through In Home Supportive Services (IHSS) for the State of California since 2008. The evidence demonstrates a lifetime of standing in the GAP of those who are marginalized and vulnerable. In this case, those who are exploited in violation of Federal Protections of IDEA and ADA. I would be remiss if this was not addressed. My duty for the protection of IDEA expands beyond my son, proposed Conservatee, but a duty to The People and our most Vulnerable Population.

The Orange County District Court had demonstrated a Conflict of Interest by the personal interest in a matter where financial interests are apparent

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in the further adjudication of this matter. Del Sol School in Cypress California was a placement chosen with logistic considerations and gave the appearance of a suitable placement for my son when he embarked on Jr. High. John Donathan II had attended Buena Park Speech and Language since he had been in Kindergarten. John Donathan II suffered bruises on his face from a staff member at BPSL in the upper-grade programming. Subsequently, Petitioner kept John Donathan II home with his brothers. Regional Center was notified. In context, Petitioner had given birth to John Donathan's infant brother, now 9 years old, during that

time. It became quickly apparent the school and programming are not appropriate and did not meet the needs of John Donathan II. Primarily, the restrictive climate both denying community programming into the curriculum and denying Community Based Instruction. In addition, the goals were not fitting to generate the proper services. There was no demonstration of life and care provided to the students as John Donathan II is accustomed to and appropriate. It appeared to be a death valley when coming onto the campus. Petitioner quickly embarked on the transition to the Los Alamitos High School Campus/Programming as there had been no other program fitting to meet logistics and provide appropriate programming. John Donathan II had no pattern of behavior to justify a restrictive environment - it had been a mistake based on the the agent of the School Dr. Kim Ngueyen selling point that were clearly

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misrepresented. Petitioner and opposing party John Donathan Sr. did not sign the subsequent offers for a restrictive environment. The Los Alamitos School District and Dr. Kim Ngyuen continued to offer the school without basis or cause. In accordance to IDEA, the school needs to initiate a Due Process with the burden on the School District to prove why the programming is necessary to provide a Free and Appropriate Public Education (FAPE). The School District failed to follow procedure. As a result, John Donathan II did not receive an appropriate education to date. The Los Alamitos School District brought a Due Process with their offer in

2018, three years later. (*IR v LAUSD*) The Los Alamitos School District's offer including Del Sol School was decided by the Office of Administrative Hearings not to be a FAPE. It was also revealed that Dr. Kim Nguyen, agent of Del Sol School was receiving income from the school of 17 hours a month to her person as a BCBA Behavior Consultant written into the offer, she had also been doing the assessments which generate goals and services, making the recommendations for her school. Dr. Kim also owns Vista Behavioral Services where her staff is contracted further receive income at Public Cost in addition to the income received by the school. Dr. Kim Nguyen further acts as an expert witness for the School District. It gives the appearance of impropriety, comingling, generating recommendations of less cost for John Donathan II via the school district funding IDEA and more for Dr. Kim Ngyuen.

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District continued to offer Del Sol School without basis.

It was revealed

The appearance of an abuse of authority in violation of procedure by proceeding outside of jurisdiction. In addition, the stating and prompting for the opposing party to request the hiring of a State Attorney - the matter for trial - violating the rights and protections of the proposed Conservatee and Appellant. I will be able to prove Cases are arbitrarily

being adjudicated outside proper jurisdiction thereby denying the Federal IDEA protections and Best Interest Standard Regulations of Family Law. The hiring of 3rd Parties by the court with the intent to circumvent the law and Due Process will be established. Evidence and Procedure during COVID restrictions was unreasonably denied by the court denying best interest standards and the fundamentals of Due Process. It is a necessary question in the law as it set Precedent of procedure during a Pandemic that can have life threatening consequences. Judicial Activitivism arming the Department of Education to force Students into Public Education, denying alternative means of education afforded by the 14th amendment and IDEA. The Rendering Parental Rights impotent in education thereby, the Orange County Department of Education can deny the funding of IDEA to provide a Free and Appropriate Public Education to Special Needs Students penalizing parents as “Too much of an Advocate” -

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Dangerous Precedent being exercised in these lower courts. Too much of an advocate is not a compelling circumstance. There is no evidence or findings to deny Federal and Family law Due Process - the denial of equal protection. State encroachment in violation of the 4th and 14th amendment. Lastly, I will be able to evidence the need to change jurisdiction outside of Orange County due to Conflict of Interest and a Bias in any proceeding in Orange County rendering an impossibility to access relief of any kind.

In accordance to the ruling in the 9th Circuit of Appeal Los Alamitos School District had failed to Family Law Orders have been in effect since 2005. Indu Srivastiv, Esq. is the current Family Law Attorney of Record.

- On October 16th, 2020, the transcript of record for the trial setting at the Mandatory Settlement conference hearing is evident the Public Defender Diane Ysaguirre stated to the open court Gianna Gruewald, mediator, told her someone was supposed to ask for a GAL. This is contrary to the decision stating the court appointed a GAL because Opposing Party and Appellant did not get along. Opposing party did not know what he was asking for or why. Ms. Ysaguirre repeatedly stated someone was supposed to ask for a GAL - Ms. Ysaguirre did not ask for it nor did Judge Johnston nor did Gianna Gruewald indicate. Judge Johnston indicated it was the first he had heard of a request for a GAL. The Public Defenders office acted in legal error by prompting the opposing party to request a GAL denying Due Process on the matter in accordance to the Mandatory Settlement Conference Statement Set

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Forth by the Opposing Party John Donathan. The Matter was to be set for trial. Public Defender Diane Ysaguirre is not allowed to state what the mediator Gianna Gruewald said to her nor is Gianna Gruewald allowed to state anything other than there was an settlement. Gianna Gruewald had been in open court stating there had not been agreement between parties to have a 3rd party make decisions outside of Due Process per Appellant. The Correspondence provided further indicated Gianna Gruewald did not express a request for a GAL or need for a GAL on this matter. The Public Defenders

Office made a false statement prompting the opposing party to give up John Donathan II and Appellant's rights to the State 3rd Party. Appellant was positioned against this and it is a matter for trial. Dianne Ysaguirre further stated, not opposing party, to direct a GAL on the limited scope to determine Special Education (improper jurisdiction). IEP - evident from the transcript. Someone did not motion the case into the conservatorship court nor was it agreed to be adjudicated outside it's Federal Jurisdiction. Determining Special Education is an offer of FAPE per IDEA is not determined by an Elder Law Attorney hired at the direction of the Public Defenders offers. This is further compounded by the pending Due Process Procedural Safeguards being navigated by the Education Law Firm Vanaman, Aaronson, and Newman for the February 2019 Decision #2018081156 where Los Alamitos School District had failed to offer John William Donathan II a FAPE under Federal Law. This case also identified the comingling of monies and impropriety demonstrated by Del Sol School Dr. Kim Ngyuen and Grace Delk. The Compensatory matter of 3 years loss of education as a result of Los

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Alamitos School District Violating Procedure and Individualized Dianne Ysaguirre's misconduct by stating a hearsay comment from the mediator in open court. was further exacerbated by Judge Gerald Johnston who prompted and reinforced opposing party to request a GAL by stating he was supposed to request per Gianna Gruewald, mediator then reinforcing Mr. Donathan to make request. Judge Gerald Johnston is Supervising Judge in Conservatorship Department. These mistakes in the law, breech of duty, violation of Canons, abuse of authority, and ethical violations amount to a

rehearing approval. The Conservaorship Court's actions amount to an Obstruction of Justice and Denial of Due Process. The hiring of a GAL was unnecessary as she did not possess the expertise necessary. The court conducted an investigation evidencing no compelling circumstance and further indicating Regional Center stated Appellant is the strong Advocat for proposed Conservatee with Special Needs.

- Improper Jurisdiction - The Los Alamitos Special Education School District was not brought for Adjudication to the Conservatorship Court by John Donathan II as it is Federally Regulated via the Office of Administrative Hearings - Procedural Safeguards and the Individuals with Education Act. Moreover, this is a Family Law Case and an Office of Administrative Application. The Conservatorship not equipped for the Federally regulation and Case law; therefore, the rendering Special Education is an erroneous application of the Law.
- Dr. Kim Nguyen of Del Sol School was identified to be the founder and agent for Del Sol School acting as Director, Principal, Intake Representative,

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Conducted the Assessments of Students generating recommendations to stay at her school and denying other related services that would cost the school district, Owner of Vista Behavioral Services where she Constracts all the Staff for the school, denying all other staffing from other agencies. She further designates herself as a BCBA behavior consultant contracted by the Los Alamitos School District at 17 hours a month for John Donathan II. The climate was and is restrictive and inappropriate for John Donathan II. The

climate and programming proved to be substandard and detrimental and inappropriate for John Donathan II. The Comingling of monies by Dr. Nguyen, which also gives credence to the inappropriate recommendations denying Free and Appropriate Public Education under IDEA is part of the evidence.

- The mandatory settlement conference statement submitted by Opposing Party John Donathan indicates his interest in joint sharing of our son John Donathan II with allowing the agents of the State Final Decision Making for our son without the protections of the Constitution, Due Process, and the Law. Appellant's position remained as to the Family Law Orders, which are not contested - a disagreement to be brought to the court under the law and germane legal applications not a third party who does not have to adhere to the law.
- Any disagreements go to Family Law Court based on the Law and Evidence and Facts per prevailing Family Law Orders #04D003224 not brought to the Conservatorship Court for Adjudication or relinquished to a 3rd Party Elder Law Attorney - Paid by the State in a case pertaining to Financially

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Liabilities to the State.. The Federal Special Education case had been adjudicated in the Office of Administrative Hearings with the decision Los Alamitos School District failed to offer John Donathan II a Free and Appropriate Public Education for over 3 years in 2019.

- The Office of Administrative Hearings, Office of Administrative Hearings, and Opposing Party John Donathan acted in violation of Family Law Orders by

interfering with Procedural Safeguard of Independent Educational Evaluations - Opposing Party signed another Assessment Plan after Los Alamitos School District had completely Assessments unlawful and deficient - acting in violation of Family Law Orders. The Office of Administrative Hearings Officer was aware of these orders as well as the Harbottle Law Firm representing Los Alamitos School District and the Opposing Party John Donathan. The decision to allow for a second set of assessments is in violation of Parental Rights, Family Law Orders, and delayed John Donathan II's Individualized Educational Assessment per the Individuals with Disabilities Education Act. Due Process for Special Education is highly regulated and the Appellate Process is under Federal Jurisdiction - the 9th Circuit of Appeal (I.R. v. LAUSD).

- Evidence was electronically delivered to all parties and the court - including exhibits due to COVID - 19 regulations. Federal Express delivered a Binder with the Brief and exhibits to the court the 1st Day of Trial. Judge Hubbard denied Evidence without cause or consideration of the Court and Other Party's Review. Evidence was talked about during trial and continued to be requested and objected to be addressed per Evidence Code and Procedure.

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All Court Officers and Parties were aware of the Content of the Brief and Evidence. The Evidence and Brief were served and Binder Delivered to the Court with all the supporting evidence including the objection to the GAL, the jurisdictional issues and evidence. Evidence of False Report by Ms. Walsh. The transcript dated December 15th, 2020 states Ms. Walsh was working with the Attorneys for the School District, Los Alamitos School

District, and Del Sol School who were subject to liability to John William Donathan II via Due Process in the Proper Jurisdictions at the public cost. Obstruction of Justice and Due Process.

- The evidence further rendered the objection of Ms. Walsh as was verbally expressed. I was not in agreement and she was a request by the opposing party, not appointed for compelling circumstance.
- Further, not addressed, Appellant would have the right to another GAL if not in agreement. Procedure and Due Process and procedure has been succinctly ignored throughout this procedure.
- Further, not addressed in decision, is Appellant's motion to have Sheryl Walsh removed from case for cause also included in the Evidence. The hearing was set for March 17th, 2021. They arbitrarily removed the Hearing from calendar. Ms. Walsh was on a limited Scope per the minute Order October 16th, 2020 and also objected to by representation according to Minute Order Dated October 16th, 2020. Appellant objected to Ms. Walsh and per procedure, she should not been allowed input during trial.
- In addition, not addressed in decision, Ms. Walsh interfered with Appellant's witnesses who had relationship with John William Donathan II - one of his

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baseball coaches, David Files and a family friend William Mas who had relationship John William Donathan II - obstructing justice and witness tampering. Ms. Walsh was not representing JDII. Ms. Walsh was hired to determine an IEP out of her expertise and jurisdiction and make recommendation for the trial. The transcripts provided indicate Ms. Walsh

was not supposed to stay for the whole trial - interfering with Due Process and Equal Protections under the Law - Breech of Duty. Again, I objected to Ms. Walsh, she is not appointed under compelling circumstance or because Mr. Donathan and did not get along, Judge Johnston and Dianne Ysagurre told the opposing party in open court Gianna Gruewald directed John Donathan to ask for a GAL. Mr. Donathan did not know who that would be or for what purpose. Mr. Donathan was following the Court's agenda. The court decided a Gal was going to determine Special Education in violation of Special Education Jurisdiction Federal Procedure and Family Law Orders. John Donathan II and Appellant Advocate have Constitutional Rights not allowing the State to encroach on their lives without Compelling Circumstance. Appellant is in objection to any third Party as there is no compelling circumstance and the trial to determine an encroachment by the state was denied to Appellant and Proposed Conservatee.

- The court's actions and decision demonstrate an obstruction of justice for John Donathan II and Debora Donathan in violating Due Process and Federal Procedural Safeguard Protections and a Free and Appropriate Public Education with Individudalized Education Plan to meet John Donathan II

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unique needs in the Least Restrictive Environment with his Community Based Instruction in a climate where he would receive the efficacy and civil rights to be with typical peers. John Donathan II was also terming out of typical education and moving into Adult Transition Programming with more Options

I am requesting Prevailing Family Law Orders to be enforced - rely on rule of law and evidence when there is a disagreement. Family Law Orders are the only uncontested Orders. They have been in effect since March 30th, 2005. We did not motion family Law Case into a Conservatorship Case nor was Special Education IDEA motioned into Probate Court who do not possess the legal standards necessary for deciding the Care of JDII's unique special needs under Procedural Safeguards and IDEA protections. I am requesting to Enjoin Sheryl Walsh from JDII Special Education and all other facets of his life as she is posing irreparable to him and threatens his health and safety as indicated in my original motion - not in agreement to relinquish JDII Constitutional/Federal Rights nor Relinquish my Rights Either. Ms. Walsh has rendered false reporting and is not qualified in Special Education. There has been no Due Process to prove an appointment of a GAL under compelling circumstances. Opposing Party has indicated on page 63, Mandatory Settlement Conference Statement #7 State the Terms of your demand to settle this matter: Joint Conservatorship of JJ. Disagreements settled by a relevant profession in that field. Examples include medical issue = JJ's doctor has deciding vote, socio-economic issue = JJ's Regional Center Case Worker has deciding vote, educational disagreement = JJ school district representative has deciding vote, etc.

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This was a matter for trial, which never transpired and is under appeal and review. The transcript and Minute Order further indicate it was the Public Defenders office told opposing party to request a GAL in open court stating the mediator requested someone request a GAL although Gianna did not state that for the court and left the hearing. Judge Gerald Johnston stated it was the 1st he heard of it and

proceeded to tell Opposing Party it was a good idea and how a GAL is a 3rd party impartial decision maker - not telling opposing party it is to relinquish my and JDII's rights to the unidentified State Interest Representative for trial. The matter of relinquishing JDII's rights and legal protections to a 3rd party is and was the matter for trial as evidenced in the mandatory settlement conference statement and mediation. Ms. Walsh is not representing JJ. She was hired as an investigator to make a deciding decision on Conservatorship and JDII's Individualized Education Plan, which had already been decided by the Office of Administrative Hearings and in the process of Procedural Safeguards as it pertains to Due Process in OAH. Ms. Walsh is not an investigator, she is an elder law attorney. The court hired an elder law attorney for the task of an investigator, not representation of JDII as there is no compelling evidence or agreement for a GAL on this matter - It is in absence of Due Process. There would have to be evidence of JDII is not properly represented by his family. JDII had an Educational Law Firm on the matter. Judge Gerald Johnston and the Public Defender's Office actions obstructed Federal Educational Due Process and Civil Due Process as this matter is Family Law and Administrative Hearing jurisdiction of the Law - Violated Due Process by directing Mr. Donathan to relinquish JDII legal rights and protections to the State without Debora Donathan's presence when the matter for trial and settlement conference hearing that day

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specifically indicates Mother's Objection. The minute order States there is not agreement for this matter and it is supposed to be set for trial.

Petitioner Debora Donathan is not in agreement and in objection to Ms. Walsh or any of third party on this matter. It is a matter for Due Process. Ms. Donathan is opposed to 3rd party decision makers to render decision making outside Due

Process. The current Custody Orders indicate all disagreements to be rendered under Due Process by the Court and have never been contested since 2005 - no history or pattern of disagreement.

It was Ms. Walsh's office who requested an extension of letter for JDII be given to Opposing Party when she is a Respondent on Appeals and the objection of her office representation in the Court Room - Further hired as an investigator on a limited scope for a trial which occurred in February 2021 as a GAL?

Ms. Walsh is an Elder Law attorney. Ms. Walsh has rendered false report as it pertains to JDII with the evidence in the trial brief and exhibits. Education is a Specialized Area. Sheryl Walsh is not adequate or appropriate in this matter. Moreover, it is unnecessary. **I am requesting to know how much the State District Court is paying Sheryl Walsh.** I have not authorized or consented to Ms. Walsh and/or the State to encroach on mine and John Donathan II's privacy nor have stipulated to her presence or any recommendation. There is no consent and object to Ms. Walsh on this matter and Ms. Walsh has further demonstrated she appears to be operating in breach of the law and ethics in interests of absolving the State Costs for the proper care of JDII. The court did not appoint her, the opposing party asked for a GAL at the direction of the Public Defender stating in public court he was supposed to ask to hire a GAL Office of Aministration Hearing ruled on the

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Los Alamitos School District as not providing JDII a Free and Appropriate Public Education as of February, 6, 2019. Los Alamitos failed to follow procedure and has provided Free and Appropriate Public Education since 2014. The transcript and minute order speaks to the court requesting opposing party to give our son to the

state which was the matter for trial. Myself and JDII are not relinquishing our Privacy to the State. There has been no due process. I am not in agreement. Ms. Walsh was only tasked to my objection to determining an Individualized Education Plan for Special Education and rendering an opinion to Conservatorship. Ms. Walsh is not representing JDII nor is she tasked to represent JDII in accordance to the Transcript and Minute Order.

There is no compelling circumstance to render otherwise. Probate Court Investigation rendered Debora Donathan fit for Conservatorship indicating Regional Center referred to her as a strong advocate for JJII's needs. The orginal court order stated the same short of Education Final Decision Making. JJII further has two typical brothers as indicated in the investigation who will be future conservators for JJII as they have been bonded and love JJ. They have also observed the standard of care, services, and service provider communications to meet JJ's needs and how to obtain those needs in the future. Moreover, Family Law and Welfare and Institutions Act are Clear in regards to the maintenance of keeping siblings together and Best Interest Standards for JDII. JDII brothers love and miss him. They have written cards for JDII's birthday. Opposing Party has not returned JDII to his home and missed Christmas, Easter, his Birthday, both of his brother's birthdays, Easter, Mother's Day, and daily living continuity of care all his life.

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The Special Education Case was not motioned into the probate court either. Both Family Law and Individuals with Disabilities Act are regulated by germain law and judicial safeguards and procedure assuring Best Interests and a Free and Appropriate Public Education. I have objected to the Probate Court Hiring an attorney to enter into mixture with Los Alamitos School District Legal

Representation and attempt to adjudicate the case outside Federal Procedure in violation of IDEA. Debora Donathan has rendered objections and filed for removal of Ms. Walsh as she has no purpose for this matter. Debora Donathan and John Donathan II are relying on Due Process, Evidence, the Law, and the Constitution. There is a disparity by the State with Attorneys working in representation and collaboration with opposing party at the State Cost per Debora Donathan's objection. All of whom are taking position in adjudication of the Special Education Case in Probate Court in an attempt to . None of whom are special education attorneys except the Los Alamitos School District Counsel.

**Mother, Debora Donathan's primary income is from In-Home Supportive Services as John Donathan II. Appeals G059954 is waiting for decision, G060634 is waiting for Oral Argument only giving Mr. Donathan Education Powers and the remainder 50/50 - the same orders that are on the original appeal, pending. The court made case law stating mother was too much of an advocate for her son John Donathan II; therefore, can not have decision making for her son. Since these orders that have been on appeal, Mr. Donathan has not returned John Donathan II to his home with his mother and brothers per the Family Law Custody Order. Mr. Donathan had made NO request for custody either. Please refer to the order and it is also on**

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**appeal. Lastly, there is G01128 where an IEP was signed in violation of IDEA and FAPE without mother's presence or knowledge. Sheryl Walsh, Public Defender, and John Donathan have denied mother's input for JDII, recording the meeting, and access to JJ's records. It is in violation of IDEA and Procedural Safeguards to ensure FAPE. There is no allegation**

**of JDII not wanting to be with his Mother and Brothers. This was generated by the Court for the Public Defender Diane Ysaguirre to determine. There is no allegation or cause. It is under appeal and objectionable in many capacities. Appeal No. G061128.**

There has been no compelling circumstance or evidence of such. The Special Education has not been motioned into Probate Court. Debora Donathan is not relinquishing IDEA Federal Protections and Procedural Safeguards for her son or any other Special Need Students. Debora Donathan has rendered objection throughout this process and appeal. Los Alamitos School District failed to provide John William Donathan II with a Free and Appropriate Education for 8 years now. The obstruction of Due Process by the Public Defender's Office, Sheryl Walsh, and John Donathan have lost John William Donathan II his Civil Constitutional Rights and the Federal Protections

The Public Defenders Office, Sheryl Walsh's Office and respondents on Appeals. This appears to be a denial of equal protections under the law. The State is providing Legal Counsel and expertise to Mr. Donathan from the State and placing mother at a disadvantage. This appears unethical and calls into question Ms. Walsh's seeming fixation on this Special Education Matter to which she is not an expert. Debora Donathan has objected and the law allows for her to removed. There

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is no compelling evidence nor is she authorized to make decisions on Special Education in jurisdiction of IDEA Federal Family and Student Protections. Ms. Walsh is an Elder Law Attorney from San Juan Capistrano and a complete stranger to this family.

Sheryl Walsh continues to obstruct justice and deny Due Process although no longer on the case. October 16th, 2020 indicated a limited scope capacity for tria as an investigatorl to the disagreement/objection of attorney Paul Jacobson. Ms. Walsh appointed herself to move forward with this case after making the recommendation that I have no education Power for my Son John Donathan II without any legal basis. There are 3 appeals pending - Moreover Debora Donathan had objected to her input at the trial and throughout the trial. Evidence of the false report Ms. Walsh provided was within my evidence, as well as a motion to have her removed, which was arbitrarily taken off calendar. Debora Donathan's evidence and the trial brief were not allowed into the court to determine admissibility by the weight of the evidence in violation of the evidence code, which is a matter on appeal. Also within the brief was the motion to remove Ms. Walsh with supporting cause. On the G060634 appeal, the submission with the removal of Los Alamitos School District as an Interested Party on this case and the Removal of Ms. Walsh and the brief and evidence denied from the first trial was discharged without consideration although requested by the court.

**As a result, John Donathan II's needs are not being met and suffering loss of social emotional family support, church support, resource, therapies, services, adult transition programming, proper civil liberties and freedoms afforded him as an American - John Donathan II has missed being**

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with his family, missed being in his church, Medically Authorized Occupational Therapy twice a week for the last year, John Donathan II has missed a full season of his baseball he has played for over ten years, missed medically authorized home

ABA assessment, missed scheduled Independent Educational Evaluation for Occupational Therapy at the Public Cost. John William Donathan II further had a team of IEE's pending at the public cost. with an Educational Law Firm assisting the IDEA Procedural Safeguards from the OAH loss to the Los Alamitos School District. JDII was home for 18 months after he turned 18 because of COVID. Proposed Conservatee is not to be in attendance at Del Sol School. This is an inappropriate placement.. He is in adult transition. Educational Plans are Individualized to a Student's Unique Needs.

All are at the Public Cost which gives the appearance the State is trying to mitigate the public cost to care for John William Donathan II. Moreover, attempting to force John William Donathan II into inappropriate programming (Los Alamitos School District and Del Sol School receive money for John Donathan II if he is in a school) gives the appearance the State and School District Attorneys are trying to recover costs, alleviate costs, and absolve liabilities by having John Donathan II placed inappropriately in violation of Least Restrictive Environment (LRE) amongst other things. The placement and programming are procedural and substantive violations and would further absolve liabilities under IR v LAUSD, failure to take the matter to Due Process in a timely manner and keeping JDII in improper placement without Due Process. There are further compensatory education issues as a result of COVID supported by the US Department of Education. From the Office of Administrative Hearings Case #2018081156

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#69 of Decision - The evidence establisdhed that Los Alamitos engaged in multiple procedural violations, which resulted in the denial of FAPE because the violations undermined the very things, and as discussed

above, In developing the IEP dated March 13, 2018, LOS ALAMITOS ASSESSMENTS UPON WHICH IT'S 2018 OFFER DID NOT COMPLY WITH THE LAW AND LOS ALAMITOS HELD IEP TEAM MEETINGS WITHOUT REQUIRED MEMBERS PRESENT. These violations significantly impeded Parent' participation rights, and as such, denied Student a FAPE Regardless of all the other procedural and substantive aspects of FAPE the parties attempted to litigate in this, Los Alamitos did not meet its burden of demonstrating that the 2018 IEP offered Student a FAPE because of these significant procedural violations. Since the violations addressed in this Decision undermined the very essence of the 2018 IEP, it is not necessary to address the other procedural or substantive aspects of the offer. Without proper ASSESSMENTS and PARENTAL participation in the IEP process, there can be no appropriate substantive offer. District may not implement the IEP without Parental Consent. This is OAH Case No. 206 (Exhibit )February 6th 2019. It was/is further exposed Del Sol School engages in misconduct and impropriety resulting in a denial of FAPE for Special Needs Students.

Sheryl Walsh, the Public Defenders Office, Harbottle Law Firm and Tracy Petznick Johnson representing School District against parents and students, and who are aware of the prevailing Family Law, Procedure, and the Los Alamitos School District and Del Sol School's pending liabilities and legal implications. In addition,

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the Educational Law Firm Vanaman, Newman, and Aaronson who were handling the case on a no fee retainer and the embarkment of Independent Educational Evaluations at the Public Cost per Federal IDEA Procedural Safeguards. Mother

gave a Hard No to a third party making decisions for John Donathan's II under any power and capacity and conveyed the IDEA Due Process in effect. John Donathan II is not receiving appropriate service and programming. Sheryl Walsh, Public Defender's office, and John Donathan at the direction of Court Officer's are denying mother's input and access of Debora Donathan, which is a denial of FAPE in itself in accordance with IDEA. Opposing party has denied access to educational records, JDII's IEP meetings, Denied Input and Partipation of Mother, denied JJII's procedural safeguard, and placed JJII in a restrictive environment, violating LRE and JJ's Civil, Human Rights in direction with Sheryl Walsh. Diane Ysaguirre, working with Los Alamitos School District Representation all informed of the prevailing Family Law Orders and experts in the Law and Procedure to uphold the Constitution and held to ethical standards. There was further litigation on appeal after Sheryl Walsh stated to remove Mother Debora Donathan's Decision-making rights, denying JDII and Debora Donathan's Constitutional Due Process Rights. Mother Debora Donathan has objected and placed all attempts of adjudication of Special Education IDEA outside the Federal Procedural Safeguards, Law, and governing Federal Court and it's Case Law germane and pertaining to Special Education in the Appellate Court. This court action would render IDEA impotent and deny Parental Rights for Advocacy for the funding allotted for Special Education Related Services and Programming to adhere to Federal IDEA. There is

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no motion to adjudicate IDEA in the District Conservatorship Court relinquishing Federal IDEA Due Process and Procedural Safeguards denying Free and Appropriate Public Education.

Sheryl Walsh and Dianne Ysaguirre of the Public Defender's Office are respondents on to Appellate Cases on this matter. Moreover, Sheryl Walsh is continuing to interfere and obstruct Due Process. The erroneous appointment of a 3rd Party on October 16th, 2020 minute order and Transcript evidences a limited scope for trial and no further identification of any duties on this matter. The very presence of a 3rd party elder law attorney hired by the Probate Court to make decisions on Special Education for JDII in lieu of the Federal Individuals with Disabilities Act and Federal Procedural Safeguards governed by the Office of Administrative Hearings and Family law orders is contested.

These types of actions give an appearance of Judicial Activism to deny Students and Adults with Special Needs the care and protection awarded them by the United States Government. As such, my request is to enjoin Sheryl Walsh's Office from any further violation of John Donathan II and my privacy afforded by the Constitution and obstruction of IDEA and Procedural Safeguards as JJII Special Education Case is not motioned or agreed to be heard and adjudicated in the Probate Court. Denying Mother's Educational Rights is without cause and a violation of the Individuals with Disabilities Act. In addition, to restore Best Interests for JDII by adhering to the prevailing uncontested Family Law Orders and denying an extension of letters to John Donathan. Lastly, a denial of John Donathan's letters is in order because Sheryl Walsh's office requested it who is not active to this case and a respondent to appeals rendering a conflict of interest and an ethical violation. We

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can further extend this to the Public Defenders office as they are respondents to appeals on this matter and bear a conflict of interest and violate an ethical

standard. The order to ask my non-verbal son who has by directed by the Public Defenders office to not return home to his family without cause or any order stating to do this if he wants to see his mother is under appeal. Sheryl Walsh and the Public Defender's office have also taken the action as respondents to Appeals to cut off Appellant's resources in turn denying Due Process. Appellant and Petitioner on Limited Conservatorship for JDII primary vocation is the Care Provider for JDII for In-Home Supportive Services. JDII has not been returned home to his Mother by the direction of Sheryl Walsh and Public Defenders Office, Care Provider for IHSS, thereby, starving the mother out of resource to access Due Process and render her homeless - further obstruction of justice. In addition, John Donathan is denying the mother all access to their son JDII; therefore, taking all Powers for JDII and all mother and JJ's income, not only the Education Powers. One of the issues of appeal is denying Mother's Education Decision Making Rights absent Due Process rendered outside Due Process..

It is necessary for the mother to participate in JDII education as his mother, as an educator for the Cypress School District, as a Registered Behavior Technician for Autism Comprehensive Educational Services, Former Institute for Applied Behavioral Analysis In Home Support, Job Coach, and Supervisor for Special Need Adults, and overall training and work with Special Need populations for 25 years. It is reasonable to say Mother's input is necessary and can be specific to JJII needs and Federal Law deems it essential in accordance to the Individuals with Disabilities Education Act.

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The Public Defender's office and Sheryl Walsh, respondent to the Appeal initiated by Debora Donathan have separated mother, Debora Donathan, and JDII's two

sibling brothers, and John Donathan II without cause or order. Debora Donathan is being denied her income to fund Due Process Action by the Public Defender's Office and Sheryl Walsh's office who are Appellate Respondents on this matter. John Donathan has also supplanted his Mother's Caregiver income by not returning JDII to his Mother, Brother, Church, Community, Medically Authorized Therapies and Services, and civil freedom to work. It was Sheryl Walsh's office who requested the extension of letters although outside the scope of her limited presence to trial which is also under appeal. Debora Donathan continues her objection to Sheryl Walsh on behalf of herself and her son JDII in the Best Interests and in the Interest of Justice and Protections of John Donathan as Ms. Walsh has caused loss and irreparable harm to JDII and is in violation 4th, 5th, 8th, 9th, and 14th amendment of State encroachment without Due Process proving Compelling Circumstance - Moreover hired under a limited scope outside the duties of a GAL under the guise of an investigator for a trial 18 months ago. I have/am requesting to be informed to how much the State is Paying, and has Paid Ms. Walsh as I am not in the consent or agreement of Ms. Walsh on the matter.

In addition to supplanting JDII's Social Security, managed by his Mother, all JDII's life. Mother, Debora Donathan, will not abandon her son JDII and/or her Job as his Care Provider for In-Home Supportive Services; therefore, Debora Donathan is being denied and deprived her son and income by the State without Cause or Due Process - the very resource necessary for the access to Constitutional Due Process

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on JDII's behalf. Moreover, JDII, is being deprived his rights, family, and essential appropriate care.

Donathan V Donathan focuses on an error made by the lower court regarding parental custody but also addresses broader concerns that are relevant not only to our disabled citizens but to all of the Citizens of our State. This case poses the following questions:

- Regarding the care of the disabled child, how much weight should be given to the potential for a lifelong commitment from each of the custodial candidates? • If the custodial parent has cared for the child for 10 years or more without incident, could the court rule that this constitutes a long term commitment much in the same way that a marriage of 10 years or more is considered long term? Would this ruling prevent the custody error that happened in Donathan V Donathan?
- How much weight should be given to the specific qualifications of the custodial parent? In the case at bar, the lower court took the educational decision-making authority away from the long-time custodial parent despite the fact that she (the Mother) is a working teacher with Masters in Special Education and has devoted her life to becoming an expert in the care of her son, an autistic child.
- If a Special Education facility has been cited for substandard service, what rights do the parents have regarding a transfer request?
- If State authorized services are not provided by the Special Ed facility, the jurisdictional remedy remains in OAH until the child is 22 under Federal Law. In this case, that law was breached and the case was moved to the probate court with the intent of handling it as a conservatorship.
- An ALJ administrative judge issued a detailed ruling favor of the Appellant and has done a lot of the legwork on this case. The lower court heard the case during the height of Covid and failed to admit or review the AJ ruling

it prior to its ruling . This resulted in the court's custody error. A Supreme Court ruling necessitating the admissibility of existing administrative rulings would resolve this issue.

### **REASONS FOR GRANTING THE PETITION**

If the United States Supreme Court does not engage in further review, the Individuals with Disabilities Education Action (IDEA) Federal Protections will be obsolete to Special Needs Students and their Families under Federal Procedural Safeguards and the jurisdiction of the Office of Administrative Hearings and Federal Due Process Regulations and Procedure in accordance to Federal IDEA. Further, the Central Justice Center Probate/Conservatorship Department will continue to take arbitrarily take cases out of their jurisdictions giving the appearance of judicial activism and corruptions in the courts that mitigate, absolve, and alleviate the costs to the State to Fund IDEA and all other Funding in accordance to the Laws and protections of Family Law Best Interest Constitutional Bright Line Threshold and Adults with Disabilities Education Act. This has also been observed to cases involving the aging This is being accomplished by hiring 3rd parties on cases without compelling circumstance or Due Process who do not have to follow the law and make decisions in the State Interests denying funding and appropriate care to marginalized populations.

If the court does not intervene, it will render the best interest standards and family law obsolete and impotent - threatening the care and welfare of families. There will be a continued lawlessness exercised in Orange County Judicial System and the Orange County Department of Education generating a machine of impropriety. The evidence procedure and code during a Pandemic, an unprecedented standard of procedure. The denial of all evidence and a brief when everything had been electronically served only resting on the court's receipt of a binder delivered by FED EX the day of trial because no one was allowed in the courthouse. It appears unreasonable in the interest of justice and best interests. The further threat to the 14th amendment by relinquishing authority to the Department of Education to force Students to attend Public Education,

I, Debora Donathan, BSW, M.Ed, RBT, am requesting a Review by the United States Supreme Court for Case No.: G059954 from the California Court of Appeal, 4th District, 3rd Division generated on August 25th, 2022. which would Render the Individuals with Disabilities Act and Procedural Safeguards for Special Needs Students and Families Impotent. Jurisdictions of Family Law and Federal Special Education Procedural Safeguards. There is also the question of law and procedure pertaining to the Pandemic and COVID 19 regulations and accommodations - trial brief and evidence electronically served over 15 days in advance. The Court demanded a binder be overnighted by FED EX to be delivered on 2/22/21 - FED EX did not deliver timely; however, delivered the following day - day of trial and denied altogether although not on the weight of the evidence and the brief, but without any reasonable cause or prejudice to the other party. The opposing party did not object to the evidence and brief and was not reviewed per the evidence code and procedure. The fundamental issue of parental rights and State encroachment without the caveat of compelling circumstance, which leads into forcing parents into public

education for their children - thereby receiving the funding received only when the student attends and denying choice, homeschooling, non-secular, and other instruction the parent chooses appropriate for a student. As a condition of my employment as an educator for the Cypress School District, I take an oath to uphold and protect the Constitution from enemies both foreign and domestic. It is apparent to me this is a violation of the Constitution and IDEA. Moreover, the court is attempting to have me violate the Individuals with Disabilities Education Act or I can not see my son and they have cut off my resource as my son's full time In Home Supportive Services Caregiver without cause to great distress to Proposed Conservatee's typical brothers. Proposed Conservatee's typical brothers were in attendance at oral argument and fall into the jurisdiction of Family Law/WIC Protections

## CONCLUSION

**It is a threat to the law and order gauged by our Constitution for cases to be taken out of their jurisdictions to Circumvent the Law and Due Process. It is a dangerous act of denying the funding and care to populations who are vulnerable, easily marginalized, and exploited - the aging, special need populations, and children under Family Law. Just as the School Districts are paying Dr. Kim Ngyen of Del Sol School for recommendations denying the funding for Free and Appropriate Public**

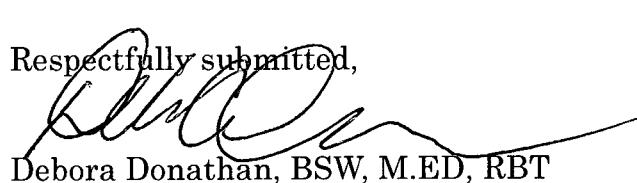
**Education for Special Need Students in violation of IDEA, the OC Public**

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**Defenders Office is paying Sheryl Walsh for recommendations to deny  
State Funding and Cost for the Special Care and Education of Special  
Need Students and Adults. The transcripts evidence this is a conspired  
machine being generated by Orange County Agencies and entities. It is  
necessary for California Supreme Court to review this case in the interest  
of justice and the Protection of our Aging, Special Need Students and  
Adults, and the preservation of Family Law and The Constitution of  
California and the United States.**

**The denial of the trial brief and evidence to serve justice and best interest  
in any case due to the Governor enacted COVID restrictions requiring  
alternate means that had not yet been established. It is a dangerous  
Precedent. The evidence indicates the compliance with the submission and  
service of trial brief and evidence per COVID requirements. The Binder  
with the Trial Brief and the evidence was delivered to the court the day of  
trial. The court forced Appellant to deliver to GAL (elder law attorney)  
hired on a limited scope as an investigator of Special Education and the  
adjudication in Violation of IDEA and Family Law Orders. The arbitrary  
improper jurisdiction changes also pose a threat to the people and our  
fundamental interest of justice.**

Respectfully submitted,



Debora Donathan, BSW, M.ED, RBT