BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT

V.

CUPERTINO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026010399

ORDER DENYING STUDENT'S SECOND MOTION TO ISSUE SANCTIONS AGAINST CUPERTINO UNIFIED SCHOOL DISTRICT FOR FAILING TO SCHEDULE A RESOLUTION SESSION

APRIL 14, 2026

On January 13, 2026, Parent on behalf of Student, filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Cupertino Unified School District as respondent. On January 20, 2026, Parent filed Student's Motion to Issue Sanctions Against Respondent because Cupertino failed to timely convene a resolution session. On January 28, 2026, OAH issued an Order denying the motion for sanctions.

The expedited hearing took place February 3, 4, and 11, 2026, and the expedited Decision issued on March 4, 2026. The non-expedited hearing is scheduled on April 21, 22, and 23, 2026.

On April 8. 2026, Parent on behalf of Student filed a second Motion to Issue Sanctions against Cupertino, for failing to schedule a resolution session. Student's motion makes the same arguments as in Student's first motion for sanctions. On April 13, 2026, Cupertino filed opposition to Student's second motion for sanctions.

A local educational agency is required to meet with the parents and Student's relevant individualized education program team members within 15 days of receiving Student's complaint. (20 U.S.C. § 1415(f)(1)(B)(i)(I); 34 C.F.R. § 300.510(a)(1) (2006).) The meeting called a resolution session, can be waived in writing by both parties or if they agree to use mediation. (34 C.F.R. § 300.510(a)(3).) If the parents do not attend the resolution session, and it was not waived, there is no due process hearing until the resolution session is waived or held. (34 C.F.R. § 300.510(b)(3).) The respondent can request the case be dismissed after the 30-day period, if it documented reasonable efforts to hold the resolution session and the parents did not attend. (34 C.F.R. § 300.510(b)(4).)

If the respondent school district fails to hold the resolution session within 15 days of the complaint's filing or fails to participate in the resolution meeting, the parent may seek the intervention of the hearing officer to begin the due process hearing timeline. In other words, the parent can ask that the 45-day timeline commence, without a resolution session. (34 C.F.R. §300.510(b)(5).)

Student asserts that sanctions are warranted because Cupertino failed to offer a resolution session within the statutory time limits of his filing of the due process

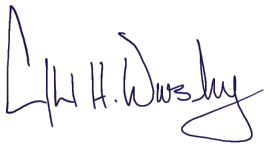
complaint. Cupertino responded that it made efforts but was thwarted by Parent's unreasonable scheduling demands.

On January 20, 2026, Cupertino offered to meet with Parent regarding all of Parent's concerns—including those issues in his due process complaint. The first date offered to Parent was January 28, 2026. The timeline for holding a resolution session is 15 days. (34 C.F.R. § 300.510(a).) Cupertino therefore offered a meeting with Parent to review his concerns as iterated in his due process complaint. Parent chose not to attend but, instead, choose to seek sanctions in Student's first motion. Here, Parent again did not contact Cupertino before filing this second motion for sanctions. Contrary to Parent's assertion, Cupertino made timely efforts to meet in a resolution session.

Parent seeks sanctions, claiming Student has been denied due process, because Cupertino failed to convene a resolution session. However, as explained in the January 28, 2026 Order denying Student's first motion for sanctions, Student is legally not entitled to sanctions because a resolution session was not held. The controlling federal regulation clearly delineates the relief which a parent may seek because a school district fails to hold the resolution meeting. A parent can request OAH to begin the due process timeline. (34 C.F.R. §300.510(b)(5).) The regulations do not provide for any other relief for failure to convene or participate in a resolution session. Therefore, Parent's second request for sanctions is denied.

ORDER

Student's second motion to issue sanctions against Cupertino, because it failed to convene a resolution session, is denied.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings