BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

CUPERTINO UNION SCHOOL DISTRICT,

OAH CASE NUMBER 2025110210

OAH CASE NUMBER 2025110972

ORDER DENYING STUDENT'S FIRST MOTION TO CORRECT THE RECORD

JANUARY 26, 2026

On January 6, 2026, Student filed a document titled First Motion to Correct the Record. The Office of Administrative Hearings, called OAH, did not receive a response from Cupertino Union School District.

After preliminarily stating grievances regarding assertions or arguments made by attorneys for Cupertino Union School District and former party YMCA of Silicon Valley, Student enumerates eight items in the motion, none of which are a request to correct the administrative record for the expedited due process hearing nor for the non-expedited due process hearing:

1. "New Statutes/Regulations Regarding ELO-P (School Day = 9 hours)"
2. "Inaccuracies in ELO-P related rulings; 'schoolday' vs. 'School Day'"
3. "Improper Bifurcation of Rulings on Stay Put"
4. "Improper Binding Effect of Erroneous Decision via Inaccurate Overreliance on Decision"
5. "Parents Repeatedly Consented that Student is Eligible for Special Education"
6. "Involuntary Impediments To Participate vs. Voluntary Absence on 12/15/25 PHC"
7. "ELO-P: After school program vs. State-mandated School-Sponsored Activity"
8. "Respondent's continued intimidation and children"

Many topics Student raises concern OAH Decisions, Orders, and rulings that are past the period for appeal or that Student has already requested be revisited through motions for reconsideration. Examples include Student's arguments that:

- "legal standards were misapplied" and "controlling authorities were materially misconstrued" in some rulings;
- "ALJ's Pathi's abuse of discretion in OAH case number 2025041265 amounts to egregious due process violation";
- "the orders denying Petitioner's motions for stay put erroneously bifurcate rulings";
- "the flawed ruling on an allegedly peripheral issue of revocation" in the June 27, 2025 Expedited Decision in OAH case number 2025041265;
- "the recent orders seems [sic] to have erroneously omitted such evidence" that Parents' "consented to eligibility to special education," "especially rebuttal/impeachment evidence supplied to OAH and parties"; and

- "citing Ed. Code, § 46120, subd. (g)(1) while decoupling its inherent connection to Ed. Code, § 46120, subd. (b)(1)(A) is misleading."

Student's attempt to relitigate topics that have achieved finality is improper. His attempt to yet again seek reversal of recent rulings is also improper. There is nothing about the record to "correct" based on Student's tardy arguments.

Student's First Motion to Correct the Record also includes assertions of fact outside the expedited due process hearing that was ongoing at the time Student filed the motion, and that are not relevant to the issues of the expedited due process hearing or even the non-expedited due process hearing, such as:

- explaining Parent's failure to appear at the December 15, 2025 prehearing conference for the non-expedited issues by stating "due to California's no-touch phone laws, it is not legally permissible to be on the phone-call while in transit, especially in school zones" while he went to pick up his children from school; and
- "With the unlawful presence of police officer Aalok Patel, specifically targeting Student and Student's sibling at Faria on December 11, 2025, the children sustained further emotional distress and PTSD due to Respondent's unlawful, adversarial, and retaliatory actions targeting minors."

Student attached to the First Motion to Correct the Record a declaration under penalty of perjury by Parent, dated January 5, 2026, detailing his perception of events he asserts occurred and events he asserts improperly did not occur. None of Parent's declaration substitutes for evidence at the expedited due process hearing.

On January 7, 2026, the Administrative Law Judge, called an ALJ, scheduled Parent to testify on January 15, 2026, and Parent was on notice of his opportunity to testify on that date for one week. On January 14, 2026, Parent waited until one minute before the scheduled end of the hearing day to request a continuance based on an asserted urgent medical appointment for Student on January 15, 2026. The ALJ granted a continuance to January 22, 2026. The ALJ reiterated Parent was expected to testify on January 22, 2026, to establish any reasonable basis to believe Cupertino removed Student for disciplinary reasons during the timeframe asserted in Student's request for an expedited due process hearing, after which evidence Student would be permitted to call additional witness.

Parent stated his reluctance to testify and that he might elect not to testify because he did not want to and did not believe the ALJ could require him to. Cupertino Union School District stated Parent was on Cupertino's witness list and if Parent elected not to testify in Student's case-in-chief, Cupertino planned to call him as a witness during its presentation of evidence.

Parent on behalf of Student failed to appear on January 22, 2026, and did not testify. Due to Student's failure to appear and to prosecute the case, the ALJ closed the evidence for Student's case. Student cannot use the Parent's declaration attached to the First Motion to Correct the Record as a substitute for testimony subject to cross examination.

Student's First Motion to Correct the Record is part of the administrative record. It may serve to preserve any proper objections it might contain. It may also serve as Student's arguments relative to the issues of the expedited due process hearing. But

there is nothing the motion actually seeks to correct about the administrative record of this case. Therefore, Student's motion is denied.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings