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 GRANTING MOTION TO DISMISS NON-EXPEDITED ISSUES 22-27, 29-33, AND 46, FOR LACK OF JURISDICTION

APRIL 6, 2026

On January 12, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Student naming Cupertino Union School District. The complaint contained expedited and non-expedited hearing claims. OAH set the expedited and non-expedited matters for separate hearings.

The expedited claims proceeded to hearing on February 2, 4, and 11, 2025. The Expedited Decision issued March 4, 2026. The non-expedited claims are presently set for a prehearing conference on April 13, 2026, and hearing on April 21, 22 and 23, 2026.

On February 18, 2026, Cupertino filed a Motion to Dismiss 12 non-expedited issues. Student did not file a response to the motion.

CUPERTINO'S MOTION TO DISMISS NON-EXPEDITED ISSUES

Student's 74-page Complaint alleges 70 issues, many of which have multiple subparts. Thirty-seven issues, Issues 1 through 21 and 54 through 70, were decided in the March 2026 Expedited Decision.

Cupertino's motion seeks to dismiss 12 of the remaining 33 non-expedited issues in Student's complaint, asserting they are outside of OAH's jurisdiction.

APPLICABLE LAW

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.) is to "ensure that all children with disabilities have available to them a free appropriate public education," and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a free appropriate public education to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

OAH does not have jurisdiction to decide claims based on Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), Section 1983 of Title 42 United States

Code, the Americans with Disability Act (42 U.S.C. §§ 12101, et seq.), or the Unruh Civil Rights Act (Civ. Code, § 51).

DISCUSSION

Issue 22 raises claims of violations of Education Code sections 51101, 11503, 48985, 49061, and 32282. These are general jurisdiction statutes. These statutes pertain to parental involvement in general instruction programs, notification requirements, and school safety plans. OAH does not have jurisdiction. Issue 22 is dismissed

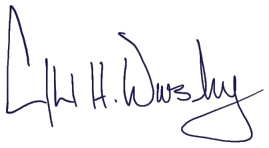
In Issues 23, 24, 25, and 46, Student seeks determinations that Cupertino violated Education Code sections 48900, 46120, and 8482.6. These statutes are not within OAH's jurisdiction. California Education Code section 48900 is a statute that governs the suspension or expulsion of general education students. Similarly, Education Code section 49120 establishes the Expanded Learning Opportunities program and section 8482.6 refers to family fee requirements for a district's After School Education and Safety Program. Both are general education programs Enforcement of these statutes do not fall within OAH's jurisdiction. Issues 23, 24, 25, and 46 are dismissed.

Issues 26 and 27 pertain to school finance and Cupertino's Local Control and Accountability Plan. Issue 29 pertains to the Education Empowerment Act and a parent's right to observe instruction in accordance with procedures determined by a district's governing board. Issue 30 pertains to school safety plans. Petitioner's Issues 31, 32, and 33 all pertain to Cupertino's after-school Extended Learning Opportunities Program. These are general education functions and programs, outside of the OAH's jurisdiction. As such, these issues are dismissed. Issues 26, 27, 29,.30, 31, 32, and 33 are dismissed.

ORDER

1. Cupertino Unified School District's Motion to Dismiss is granted.
2. Issues 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, and 46 are dismissed.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings