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 MOTION FOR TARGETED INTERIM FINDINGS AND INTERIM PROTECTIVE RELIEF, DURING EXPEDITED PROCEEDINGS

FEBRUARY 12, 2026

The expedited hearing in this matter began on February 3, 2026. The second day of hearing concluded on February 4, 2026, and the matter was continued to the last day of hearing, on February 11, 2026, for completion of Parent's testimony.

On February 5, 2026, Student filed an Emergency Motion for Targeted Interim Findings and Interim Protective Relief. Cupertino Union School District did not file a response.

After two days of expedited hearing, and the testimony of Parent, Student sought "emergency relief," including:

1. Issuing targeted interim factual findings grounded solely in completed testimony and admitted exhibits reflecting ongoing removals and reduced instructional access;
2. Ordering immediate cessation of suspensions, immediate cessation of access and communication, and immediate cessation of disciplinary partial-day removals during pendency absent prior ALJ authorization.

Student also sought interim findings of:

- ongoing disciplinary removals during pendency;
- reductions in access to instruction through suspensions and shortened school days;
- District awareness of the destabilizing effect of repeated removals; and
- actions inconsistent with maintenance of the interim settlement-based placement.

Student argued that he was the target of serial disciplinary removals imposed during the pendency of the expedited hearing, which:

- undermine the stability of the Student's agreed upon placement;
- create a rolling change in educational access without meaningful review; and
- risk rendering final relief ineffective.

Parent cited no authority to support the issuance of the requested interim findings, in the midst of an expedited due process proceeding.

Federal and state educational law provide for an expedited appeal of matters involving disciplinary proceedings and special education children. United States Code section 1415(k) and 34 Code of Federal Regulations part 300.530, et seq. govern the discipline of special education students. (Ed. Code, § 48915.5.) A parent of a special education student may appeal a school district's determination that particular conduct resulting in a disciplinary change of placement was not a manifestation of the child's disability by requesting an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. 300.532(a) & (c).) The hearing must begin within 20 school days of the date an expedited due process hearing request is filed and a decision must be rendered within 10 school days after the hearing ends. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. 300.532(c)(2).)

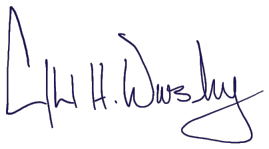
Parent chose to file a request for an expedited hearing. This expedited process assures that the expedited issues will be addressed in an efficient and prompt process for hearing and decision issuance. The rules for a due process hearing under title 20 United States Code section 1415(k) are consistent with those for other IDEA hearings. (34 C.F.R. § 300.532(c)(1)(a).)

Parent has not provided any additional facts, evidence, or law entitling Student to a determination quicker than the expedited hearing process. The expedited hearing in this matter ended February 11, 2026. The matter has been submitted for decision, by the ALJ, for informed factual findings and decision. The law does not provide a speedier means of resolving Parent's allegations.

ORDER

Student Motion for Targeted Interim Findings and Interim Protective Relief is denied.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings