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 2025060187

ORDER DENYING MOTION TO DISMISS ISSUES ON THE GROUNDS OF COLLATERAL ESTOPPEL, FOR LACK OF JURISDICTION, AND AS BARRED BY A PRIOR SETTLEMENT AGREEMENT

JUNE 30, 2025

On June 5, 2025 Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Cupertino Union School District as respondent. On June 18, 2025, Cupertino filed a motion to dismiss the case on the grounds that the claims in this complaint were outside OAH jurisdiction or barred on the grounds of collateral estoppel. On June 27, 2025, Student filed an opposition to Cupertino's motion.

PROCEDURAL BACKGROUND

This motion was discussed at the June 23, 2025 prehearing conference, also called a PHC. The undersigned informed the parties that any order addressing Cupertino's motion required consideration of the Decision that was pending in the prior expedited case involving these same parties. Student's time to reply to the motion was extended to June 26, 2025. Student filed a timely opposition. The Decision in OAH case number 2025041265 was issued on June 27, 2025.

LACK OF JURISDICTION

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.)

Cupertino asserts that Student's claims two and three, as stated in Student's complaint, must be dismissed for lack of jurisdiction. Those claims are:

2. Has the District violated Ed. Code 48900 section (k)(2)?

3. Has the district violated Student's rights under informal suspension?

STUDENT'S ISSUE TWO DISMISSED IN THE PREHEARING CONFERENCE ORDER

The undersigned dismissed Student's issue two, involving claims under California Education Code section 48900, subdivision (k)(2), for lack of jurisdiction. A judge may dismiss a claim at any time for lack of jurisdiction. (*Smith v. Wolf*, (S.D. Cal. 2020) 2020 WL 6321556), citing *Cal. Diversified Promotions, Inc. v. Musick,* (9th Cir. 1974) 505 F.2d 278, 280 ("It has long been held that a judge can dismiss sua sponte for lack of jurisdiction").) That ruling was explained in detail in the prehearing conference order.

CUPERTINO'S MOTION TO DISMISS ISSUE 3 DENIED AS MOOT

During the PHC, Student withdrew issue number three of the complaint, as duplicative of issue number one, in Student's complaint. Specifically, the PHC Order included Student's claims of violating Student's rights by informal suspension within issue number one, which then read: Did Cupertino fail to conduct a manifestation determination as required by state and federal law, following greater than 10 days of removals from Student's educational placement, including the extended learning opportunities program and informal suspensions between November 20, 2024 and June 6, 2025

Subsequently, Student's issue number one was re-classified as issue number two, due to the insertion of an issue to determine whether Cupertino had a "basis of

knowledge" that Student was disabled at the time of the alleged suspensions. (34 C.F.R. § 300.534 (b).)

Based upon the foregoing, Cupertino's motion to dismiss Student's issue number three, as stated in Student's complaint, is denied as moot.

COLLATERAL ESTOPPEL

Cupertino asserts that any claims in Student's former issue number one that occurred between the dates of April 11, 2025 and April 29, 2025 are barred by the decision in OAH case number 2025041265, which was also filed by Student against Cupertino. Specifically, although Cupertino references both res judicata and collateral estoppel generally in its argument, Cupertino ultimately contends that any claims concerning the time period from April 11, 2025 to April 29, 2025 are barred by the doctrine of collateral estoppel.

Cupertino asserts that, "to the extent that Issue 1 covers April 11 to 29, 2025, it is identical to Issue 2 in OAH Case No 2025041265." However, the argument does not offer a complete analysis of the application of collateral estoppel.

The doctrine of collateral estoppel, also means issue preclusion. This doctrine bars relitigating issues that have been argued and decided in a prior proceeding. In order for the doctrine to apply, Cupertino must establish these elements:

- The issue is identical to the issue decided in the former proceeding;
- The issue was actually litigated in the former proceeding;
- The issue was necessarily decided in the former proceeding;
- There was a full and fair opportunity to litigate the issue in the former proceeding;

- The decision on the issue in the former proceeding was decided on its merits and was final;
- The party against whom the issue was decided was the same, or in privity to the party in the former proceeding.

(*Castillo v. City of Los Angeles* (2001) 92 Cal. App. 4th, 477, 481.)

In this case, the issues are not entirely identical. In OAH expedited case number 2025041265, Student alleged two issues. Cupertino does not assert that the Decision's conclusion regarding Cupertino's basis of knowledge, which was issue number one, should be barred from relitigation.

Cupertino argues that, "to the extent that Issue 1 covers April 11 to 29, 2025, it is identical to Issue 2 in OAH Case No 2025041265" and should thus be barred from relitigation in the expedited hearing regarding OAH case number 2025060187.

Issue number two of OAH case number 2025041265 was:

> "Did Cupertino Union School District violate title 20 United States Code section 1415 (k), between April 11, 2025 and April 29, 2025 by failing to hold a manifestation determination review of Student prior to removing Student from cooking class, Stegel class and the last hour, between 4:40 and 5:30 p.m., of the Expanded Learning Opportunities Program for more than 10 school days?"

Former issue number one, now issue number two, of OAH case number 2025060187 is:

> "Did Cupertino fail to conduct a manifestation determination as required by state and federal law, following greater than

> 10 days of removals from Student's educational placement, including the extended learning opportunities program and informal suspensions between November 20, 2024 and June 6, 2025?"

The issues are not identical. The expedited issue asserted in this case is much broader than the expedited issue in OAH case number 2025041265. While the Decision in OAH case number 2025041265 addressed what may be a small subset of the claims in this expedited decision, it is not clear how the broader scope of the claim might impact the outcome. For instance, whether removals from cooking and Stegal classes during the period from April 11, 2025 through April 29, 2025 might combine with additional removals from April 30, 2025 to June 5, 2025, when this case was filed, remains an open question.

Nor is it clear that issue one in the first expedited case was fully litigated. The Decision references a dispute regarding the scope of the claims on the first day of hearing and a determination as to the scope based on argument. It does not describe the evidence used to make the determination. Additionally, the decision references taking official notice of "the official records for the cases" and referenced the settlement agreement dated April 10, 2025. However, the decision does not specify which records were noticed, which were not; the process employed for judicial notice of the documents; or how the settlement agreement came into evidence. Therefore, it cannot be determined whether the determination as to the scope of the hearing was actually litigated, or whether there was a "full and fair opportunity to litigate" the scope of Issue one during the hearing based on the Decision in OAH case number 2025041265.

It cannot be determined whether the elements establishing collateral estoppel of issue number two, as stated in the PHC Order, have been met based solely on the

Decision in OAH case number 2025041265. Therefore, collateral estoppel cannot function as a bar to Student's issue number two in OAH case number 2025060187.

DISMISSAL OF CLAIMS PREDATING APRIL 11, 2025 SETTLEMENT AGREEMENT DENIED

Cupertino asserts that all claims predating April 11, 2025 must be dismissed as the parties entered into a settlement agreement in which Student waived all educational claims through April 10, 2025. Cupertino attaches a copy of the settlement agreement authenticated by its attorney.

The issues of whether the settlement agreement itself is disputed was discussed during the prehearing conference. Student was unwilling to stipulate to the authenticity or substance of the settlement agreement. Whether the settlement agreement functions as a bar to Student's claims is a question of fact. Cupertino retains the option of raising the settlement agreement as an affirmative defense to Student's assertion of claims prior to April 11, 2025.

ORDER

1. Cupertino's motion to dismiss Student's issue 3 on the grounds of lack of jurisdiction is denied.
2. Cupertino's motion to dismiss issue number one, renumbered as issue number two in the PHC Order, on the grounds of res judicata or collateral estoppel is denied.

3. Cupertino's motion to dismiss all claims pre-dating April 11, 2025 is denied.
4. The matter shall proceed as scheduled.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings