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 2025041265

ORDER DENYING REQUEST TO INVALIDATE THE APRIL 10, 2025 SETTLEMENT AGREEMENT

MAY 28, 2025

On April 29, 2025, Student filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Cupertino Union School District. OAH determined that Student's complaint included issues subject to the expedited hearing procedures under special education law.

Administrative Law Judge, called an ALJ, Arden conducted an expedited prehearing conference, called a PHC, on May 19, 2025. ALJ Arden issued an order following the expedited PHC on May 20, 2025. Part of that Order allowed the parties to raise objections to how ALJ Arden clarified the issues at the PHC. Any objections would be addressed at the start of the expedited due process hearing.

On May 21, 2025, Cupertino filed such an objection. The next day, Student filed a document entitled, "Student's Objection to District's Objection Dated May 20, 2025 and Motion for Clarifications." The undersigned will address Cupertino's objection and Student's response when the hearing reconvenes on June 3, 2025.

However, embedded in Student's filing was his "Motion for Clarifications." Cupertino did not respond to this motion. Parent requested the following "relief and action":

- To obtain an emergency order to declare Student's release of claims against [Cupertino] void and null in the Settlement Agreement dated April 10, 2025, that [Cupertino] repeatedly breached.

The parties are reminded that each request, motion, or response to motion filed with OAH should be filed in a separate document. Although Student did not do so here, the undersigned exercises his discretion to consider Student's motion.

Student's motion seeks to invalidate a settlement agreement between Student and Cupertino dated April 10, 2025, based on Cupertino's alleged failures to follow it. Student did not include sworn declarations or authenticated exhibits in support of his motion. Rather, Student relies on "the foregoing, and as per facts, reasons, and evidence supplied in this pleading," and on unspecified documents uploaded to Case Center in support of his motion.

The contents of Student's motion are argument and not facts or evidence which are properly considered as evidence when ruling on a motion. Moreover, documents uploaded to Case Center, but that have not been admitted into evidence are also not properly considered as evidence when ruling on a motion. Accordingly, the lack of supporting evidence alone would be sufficient to deny Student's motion.

Student's lack of supporting evidence notwithstanding, Student did not establish that OAH has jurisdiction over the purported April 10, 2025, settlement agreement, or that OAH is empowered to invalidate that agreement as Student requests.

OAH has jurisdiction to hear due process claims arising under the Individuals with Disabilities Education Act, called the IDEA. (*Wyner v. Manhattan Beach Unified Sch. Dist*. (9th Cir. 2000) 223 F.3d 1026, 1028-1029.) Under the IDEA parents have 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).) However, OAH's limited jurisdiction does not include claims alleging a school district's failure to comply with a settlement agreement. (*Wyner, supra,* 223 F.3d at p. 1030.)

Student provided no legal authority in his motion and did not address OAH's limited jurisdiction. Student did not establish that OAH has jurisdiction over the purported April 10, 2025, settlement agreement, including Student's request to invalidate it. Therefore, Student's request to invalidate the April 10, 2025, settlement agreement is denied.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings