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 SETTING BRIEFING SCHEDULE FOR CUPERTINO'S MOTION FOR RECONSIDERATION AND SETTING ADDITIONAL HEARING DATES

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.

On May 6, 2025, Cupertino filed a motion to dismiss all issues in Student's complaint. Administrative Law Judge, called an ALJ, Arden conducted an expedited prehearing conference on May 19, 2025. ALJ Arden denied Cupertino's motion to

dismiss Student's Issue Two in the complaint, which was the Issue subject to an expedited hearing. ALJ Arden subsequently issued a written order on May 27, 2025.

The undersigned began the expedited hearing on May 28, 2025. At the start of the hearing, Cupertino made an oral motion for reconsideration of ALJ Arden's May 27, 2025, Order. Requests for reconsideration must be heard by the ALJ who issued the order subject to reconsideration. Parent also expressed a desire to have Cupertino's motion in writing prior to responding. Accordingly, the undersigned set the following briefing schedule for Cupertino's motion:

- Cupertino shall file its motion for reconsideration no later than May 28, 2025, at 5:00 PM.

- Student may file a response to Cupertino's motion no later than 12:00 PM on June 2, 2025.

The expedited due process hearing will resume on June 3, 4, and 5, 2025, unless otherwise ordered. The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the ALJ.

In several of Student's pleadings, as well as during the first day of the expedited hearing, Parent indicated that English is not his native language. The undersigned had a lengthy discussion with Parent regarding his right to an interpreter. Following that discussion, the undersigned determined that a Farsi interpreter was necessary to ensure Parent fully understood the proceedings and could participate in the expedited due process hearing. OAH will provide the interpreter.

Parent may request copies of documents issued by OAH and pleadings filed with OAH to be translated into Farsi. Parent is encouraged to make this request as soon as possible, if needed.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings