BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CUPERTINO UNION SCHOOL DISTRICT BOARD OF EDUCATION.

OAH CASE NUMBER 2025090763

ORDER GRANTING REQUEST FOR RECONSIDERATION AND CONFIRMING ORDER OF DISMISSAL

OCTOBER 1, 2025

On September 23, 2025, the undersigned Administrative Law Judge issued an order dismissing the Cupertino Union School District Board of Education as a party to this matter, and dismissing the complaint for lack of jurisdiction. On September 25, 2025, Student filed a request for expedited hearing that is, in substance, a motion to reconsider the order of dismissal. The Office of Administrative Hearings did not receive a response from the Board of Education.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION

Student offers new legal arguments to support reconsideration. He argues that the Board of Education is a public agency, and was involved in many decisions relating to Student's special education. The complaint also contains numerous allegations against the School District. However, the complaint is filed against the Cupertino Union School District Board of Education only.

Student has previously filed numerous requests for due process hearings against the District and other entities involved in Student's dispute. Most of these matters have been dismissed for reasons not relevant here. The requests primarily centered on a dispute between the Cupertino Union School District and Student's Parent concerning the District's interactions with Student while Student was enrolled in a District school from August 14, 2024 until September 12, 2025.

On September 12, 2025, Student filed a request for due process hearing against the Cupertino Union School District, OAH Case No. 2025090479. Student alleges in that complaint that the District has repeatedly and unlawfully suspended him and denied him a free appropriate public education in a variety of ways in violation of the

Individuals With Disabilities Education Act, called IDEA. An expedited hearing in that matter is calendared for October 7, 8, and 9, 2025.

On September 22, 2025, Student filed the instant request for due process hearing, making essentially the same allegations as in OAH Case No. 2025090479, but naming the Cupertino Union School District Board of Education only. In the order being reconsidered here, that matter was dismissed for lack of a proper party and lack of jurisdiction. The Order of Dismissal was based on, among other things, Student's failure to distinguish in his complaint between the actions of the Cupertino Union School District and its Board of Education.

Student's new filing does not rescue his complaint. In addition to the reasons stated in the Order of Dismissal issued September 23, 2025, Student's complaint must be dismissed because it names the School Board as the only party respondent, which is essentially the same party as named in the previous complaint, namely the District. Student treats the Cupertino Union School District Board of Education as a different entity from the school district, but it is not for IDEA purposes. The Board is an integral part of the District. (See Ed. Code, § 5200 ("Any unified school district . . . shall be governed by the board of education…".) Student's earlier complaints against the District necessarily are complaints against the Board of Education, and it is impermissible for Student to separate the Board from the District for the sole purpose of maintaining two separate requests for due process hearing.

The instant complaint violates the long-standing rule against claim-splitting. That rule forbids filing a second action when the filing party already has pending a previous filing involving the same parties and the same dispute. In *Wulfjen v. Dolton* (1944) 24 Cal.2d 891, the high court held: "It is clearly established that a party may not split up a single cause of action and make it the basis of separate suits, and in such case

the first action may be pleaded in abatement of any subsequent suit on the same claim. [Citations.]) "

The *Wulfjen* court explained its holding as follows: "The rule against splitting a cause of action is based upon two reasons: (1) That the defendant should be protected against vexatious litigation; and (2) that it is against public policy to permit litigants to consume the time of the courts by relitigating matters already judicially determined, or by asserting claims which properly should have been settled in some prior action." (*Id.* at pp. 894-895.)

Simply put, "an entire claim cannot be divided and made the basis of several suits." (*Phillips v. Western Pac. R.R. Co.* (1971) 22 Cal.App.3d 441, 444; see also *Crowley v. Katleman* (1994) 8 Cal. 4th 666, 682; *Cavic v. Molloy Law Firm* (Cal.Ct.App., May 3, 2017, No. G050312) 2017 WL 1684334, *6; Code Civ. Proc., § 430.10, subd. (c)(second suit restating claim of previous suit is subject to abatement and dismissal).)

Here Student asserts violation of a single primary right, his right to the education guaranteed him by the IDEA. He asserts a single primary duty, which is the District's duty to provide him an education consistent with the IDEA, and he asserts violations of that right and that duty. "The most salient characteristic of a primary right is that it is indivisible; the violation of the single primary right gives rise to but a single cause of action. [Citations.]" (*Phillips v. Western Pac. R.R. Co.* (1971) 22 Cal.App.3d 441, 444.)

Student already has one pending request for due process hearing against the District, which includes the school board. The instant repetitive complaint stems from the same set of operative facts and concerns the same primary right. Student may not pursue this single claim in more than one due process matter.

ORDER

1. The motion to reconsider is granted.
2. The September 23, 2025 Order Dismissing Party and Dismissing Complaint is confirmed.
3. OAH Case No. 2025090763 is abated and dismissed.
4. No further complaint or filing against the Cupertino Union School District Board of Education, separately from the District itself, will be filed or processed by OAH.
5. Any further filing by Student against the School Board, separately from the District, may be subject to monetary sanctions.

IT IS SO ORDERED.

Charles Marson

Charles Marson
Administrative Law Judge
Office of Administrative Hearings