BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

CUPERTINO UNION SCHOOL DISTRICT,

OAH CASE NUMBER 2025110210

OAH CASE NUMBER 2025110972

ORDER DISMISSING STUDENT'S NON-EXPEDITED CLAIMS WITHOUT PREJUDICE

FEBRUARY 5, 2026

On November 5, 2025, Student filed a request for due process hearing with the Office of Administrative Hearings, called OAH, naming Cupertino Union School District and other parties that were dismissed for lack of jurisdiction on December 1, 2025. Student's request for due process hearing included expedited and non-expedited claims. OAH set the due process hearing on the expedited claims to start on December 9, 2025, and the hearing on the non-expedited claims to start on December 23, 2025.

The due process hearing on the expedited claims was held on December 9, 10, 11, and 17, 2025, and January 6, 7, 13, 14, and 22, 2026. OAH issued the Expedited Decision on February 4, 2026, at approximately 9:50 AM.

On December 15, 2025, OAH continued the due process hearing on the non-expedited claims to February 24, 2026. A prehearing conference regarding the non-expedited claims is set for February 13, 2026, at 10:00 AM.

On February 4, 2026, at 1:54 PM, Student filed a Notice of Withdrawal Without Prejudice, requesting to withdraw without prejudice the "expedited and expedited [*sic*] due process complaint currently pending" with OAH. However, Student's "Conclusion" states he seeks to "withdraw this due process complaint," which OAH interprets to mean Student seeks to withdraw his expedited and his non-expedited claims.

Student's filing, four hours after the February 4, 2025 Expedited Decision issued, is untimely and ineffective to withdraw his expedited claims. Even had Student sought to withdraw his expedited claims before the Expedited Decision issued, the resulting dismissal of the expedited claims still would have been with prejudice. (Code Civ. Proc., § 581.)

On February 4, 2026, at 3:29 PM, Cupertino Union School District opposed Student's withdrawal without prejudice even as to the non-expedited claims and requests the matter be held open to allow Cupertino to file a motion for sanctions against Student for alleged bad faith and tactics that were frivolous and solely intended to cause unnecessary delay to the District and its attorneys, under California Code of Regulations, title 5, section 3088, incorporating Government Code section 11455.30. Even after dismissal, Cupertino retains its rights under title 20 United States Code section 1415(i)(3)(b)(III).

Student's non-expedited claims of OAH Case Number 2025110210 are dismissed without prejudice. All pending motions of OAH Case Number 2025110210 are mooted and will not be ruled upon. Cupertino's case, OAH Case Number 2025110972, shall proceed on the dates previously scheduled in the consolidated matter, with a prehearing conference on February 13, 2026, at 10:00 AM, and the due process hearing on February 24, 25, and 26, 2026.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings