

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 2026071182

ORDER DENYING STUDENT'S REQUEST FOR
RECONSIDERATION OF ORDER DENYING
CONSOLIDATION

AUGUST 17, 2026

On August 12, 2026, the undersigned Administrative Law Judge issued an order denying Student's Motion to consolidate OAH Case No. 2026050562 (District's Case) with the instant case (Student's Case). The undersigned did not find overlap between the respective cases issues sufficient to warrant consolidation. Rather, judicial economy and efficiency favor the cases proceeding separately.

On August 17, 2026, Student filed a request to reconsider consolidating the cases, seeking reconsideration of the August 12, 2026 order denying consolidation. As of the issuance of this order, the Office of Administrative Hearings has not received a

response from Cupertino Union School District. However, given that a due process hearing is proceeding in the District's case on August 18, 2026, the undersigned ALJ now addresses reconsideration.

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

The request for consideration was filed within a reasonable time after the initial Order was issued. Student offers no new facts, circumstances or law to support reconsideration. Instead, Student offers two lines of argument.

First, Student claims that the cases should be consolidated because the complaint in Student's case contested the appropriateness of Cupertino's assessments of Student in Spring 2025. In the motion for reconsideration, Student lists two purported issues from the complaint that state:

"The issues in 2026071182 complaint (sic) that directly match with above are:

Did the Respondent fail to conduct assessment appropriate for:

- a) Social;
- b) Emotional;
- c) behavioral;
- d) academic;
- e) transition, and
- f) safety?"

Did the Respondent fail to complete assessment 60 days after signing the Assessment Plan in March 2025?"

A thorough review and re-review of Student's 66-page complaint with 75 numbered issues, not including subparts, in OAH Case NO. 2026071182, indicates that it does not contain any language regarding failing to conduct assessments in such listed areas. Student's complaint does raise the following non-expedited issue number 45:

"45) Did the Respondent fail to offer appropriate services and supports for:

- a) Social;
- b) Emotional;
- c) behavioral;
- d) academic;
- e) transition, and
- f) safety?"

Issue number 45 does not address assessments, much less Cupertino's assessments. Such misrepresentation of the issues is concerning at a minimum.

Similarly, the second issue referenced by Student appears to mistakenly quote Student's issue number 49 that states: "Did the Respondent fail to hold an IEP team (sic) 60 days after signing Assessment Plan in March 2025." Once, again, it's concerning that Student fails to accurately repeat the issue in Student's own complaint. In any event, the two procedural issues, while important, are one slight portion of the analysis required to determine whether an assessment is legally sufficient in all regards. In this instance, the slight potential overlap in evidence is not sufficient to derail the hearing for Cupertino's issue that has been pending since May of 2026.

Parent also takes issue with the term legal sufficiency, suggesting legal sufficiency does not include all elements that must be established for a district's assessment to be considered appropriate. Student filed an opposition to restatement of the issues identified in the prehearing conference order in the District filed case. The hearing judge in that matter will consider that motion on the first day of hearing. In short, here, the phrase legal sufficiency includes all legal requirements to determine whether a district conducted appropriate assessments, including following procedural timelines.

ORDER

Student has not established the August 12, 2026 Order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed. Student's Case and District's Case will proceed separately.

IT IS SO ORDERED.

Ted Mann

Ted Mann

Administrative Law Judge

Office of Administrative Hearings