

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 GRANTING DISTRICT'S MOTION TO DISMISS
EXPEDITED CLAIMS ARISING BEFORE JANUARY 13, 2026

AUGUST 18, 2026

On July 28, 2026, Student filed a Request for Due Process Hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Cupertino Union School District.

On August 12, 2026, Cupertino filed a Motion to Dismiss Expedited Claims, alleging that issues 17-32 and 59-75 in the instant complaint arising before January 13, 2026, were barred by collateral estoppel and or res judicata.

On August 17, 2026, during the prehearing conference in the instant case, Student declined to offer oral argument opposing Cupertino's motion to dismiss. Student requested to file written opposition, as there remained a portion of the third

day to respond to a motion, available to Student. Student was advised that they had until the close of business, 5:00 PM, on that third day to file their written opposition. Student asserted that the written opposition would be filed by 5:00 PM on Monday, August 17, 2026, the last day to file such opposition. Student was advised on numerous occasions throughout the prehearing conference that the filing deadline was 5:00 PM. No opposition was filed by Student by that deadline or as of the time of drafting this order.

APPLICABLE LAW

Federal and state courts have traditionally adhered to the related doctrines of res judicata and collateral estoppel. (*Allen v. McCurry* (1980) 449 U.S. 90, 94 [101 S.Ct. 411, 66 L.Ed.2d 308] (*Allen*); *Levy v. Cohen* (1977) 19 Cal.3d 165, 171). The doctrine of res judicata bars relitigation of a cause of action resolved, or that could have been resolved in a prior adjudicatory proceeding. (*Ronald F. v. State Dept. of Developmental Services* (2017) 8 Cal.App.5th 84, 93 [213 Cal.Rptr.3d 427, 431 (Ronald F.); citing *Hi-Desert Medical Center v. Douglas* (2015) 239 Cal.App.4th 717, 733, 190 Cal.Rptr.3d 897.)

Under the doctrine of res judicata, a final judgment on the merits of an action precludes the parties or their agents from relitigating issues that were or could have been raised in that action. (*Allen, supra*, 449 U.S. at p. 94.) In *Nevada v. United States* (1983) 463 U.S. 110 [103 S.Ct. 2906, 77 L.Ed.2d 509] (*Nevada*), the United States Supreme Court stated that “the doctrine of *res judicata* provides that when a final judgment has been entered on the merits of a case, ‘[it] is a finality as to the claim or demand in controversy, concluding parties and those in privity with them, not only as to every matter which was offered and received to sustain or defeat the claim or demand, but as to any other admissible matter which might have been offered for that purpose.’” (*Id.* at pp. 129-130 [citation omitted].)

Collateral estoppel requires that the issue presented for adjudication be the same one that was decided in the prior action, that there be a final judgment on the merits in the prior action, and that the party against whom the plea is asserted was a party to the prior action. (See 7 Witkin, California Procedure (4th Ed., Judgment § 280 et seq.) Under collateral estoppel, once a court has decided an issue of fact or law necessary to its judgment, that decision may preclude relitigation of the issue in a suit on a different cause of action involving a party to the first case. (*Ibid.*; *Lucido v. Superior Court* (1990) 51 Cal.3d 335, 341; see also *Migra v. Warren City School Dist. Bd. of Ed.* (1984) 465 U.S. 75, 77, fn. 1 [104 S.Ct. 892, 79 L.Ed.2d 56] [federal courts use the term “issue preclusion” to describe the doctrine of collateral estoppel].)

The doctrines of *res judicata* and collateral estoppel serve many purposes, including relieving parties of the cost and vexation of multiple lawsuits, conserving judicial resources, and, by preventing inconsistent decisions, encouraging reliance on adjudication. (*Allen, supra*, 449 U.S. at p. 94; see *University of Tennessee v. Elliott* (1986) 478 U.S. 788, 798 [106 S.Ct. 3220, 92 L.Ed.2d 635].)

While collateral estoppel and *res judicata* are judicial doctrines, they are also applied to determinations made in administrative settings. (See *Pacific Lumber Co. v. State Resources Control Bd.* (2006) 37 Cal.4th 921, 944, citing *People v. Sims* (1982) 32 Cal.3d 468, 479; *Hollywood Circle, Inc. v. Department of Alcoholic Beverage Control* (1961) 55 Cal.2d 728, 732.) The doctrines of *res judicata* and collateral estoppel apply to repeated filings of requests for due process in California under the IDEA. (See e.g., *Loof v. Upland Unified Sch. Dist.* (C.D. Cal., Sept. 10, 2021) Case No. EDCV 21-556 JGB (SPx)) 2021 WL 4974797 at p. *3; *Family of Four v. State of California Attorney General, et al.* (S.D. Cal., Aug. 3, 2005) Civil No. 04-CV-759-WQH (JMA) 2005 WL 8158462 at p. *7.)

Neither the Individuals with Disabilities Education Act nor the California Administrative Procedure Act, specifically address motions to withdraw complaints after the commencement of a due process hearing. Although not binding in special education matters, Code of Civil Procedure section 581 provides guidance in this situation. Code of Civil Procedure section 581, subdivision c, states that a plaintiff may dismiss his or her complaint, or any portion thereof, with or without prejudice prior to the beginning of trial. Code of Civil Procedure section 581, subdivision (e), states that after a trial commences a court shall dismiss a complaint with prejudice, if the plaintiff requests a dismissal, unless all parties consent to dismissal without prejudice; or the court finds good cause for a dismissal without prejudice. A trial begins after plaintiff's first witness has been sworn in or the first evidence is offered. (Cal. Code. Civ. Proc. § 581, subd. (c). Following the Code of Civil Procedure by analogy, the ALJ may dismiss a case with prejudice, absent consent of all parties if plaintiff abandons the case before the final submission of the case. (Cal. Code. Civ. Proc. § 581, subd. (d).)

OAH applies Code of Civil Procedure section 581 to its decisions and to orders granting motions to dismiss complaints with prejudice after hearing commences. OAH considers whether good cause is established for the requested mid-hearing dismissal, and whether considerable time, expense, and resources were spent defending the complaint.

A party aggrieved by the findings and decisions in a due process hearing may appeal to a competent court of jurisdiction within 90 days of receipt of the hearing decision. (Ed. Code, § 56505, subd. (k).)

LITIGATION HISTORY

There is an extensive history of litigation between Student and Cupertino, stretching nearly two years preceding the current matter. This history is known to the parties and has been discussed in detail in previous OAH orders and decisions involving the parties. However, a brief recounting of that history is necessary to adjudicate Cupertino's current motion.

During the 2024-2025 school year, Cupertino and Student filed several due process cases. Cupertino's case and Student's first two cases, specifically OAH Case Numbers 2024100966 and 2024110522, and OAH Case Number 2025040244, were resolved through a settlement agreement, dated April 10, 2025, called the April 2025 Settlement Agreement. As determined in the expedited decision in Student's third case, OAH Case Number 2025041265, the April 2025 Settlement Agreement included a waiver of claims through April 10, 2025.

The ALJ stated that OAH did not have jurisdiction to hear claims waived by a prior settlement agreement, and documented the authority on which OAH denied Student's attempt to evade the effect of the waiver language in the April 2025 Settlement Agreement. See *Y.G. v. Riverside Unified Sch. Dist.* (C.D. Cal. 2011) 774 F.Supp.2d 1055, 1059-62; see also *N.P. v. Kenton County Public Schools* (E.D. Ky., Feb. 8, 2023, No. CV20-142-DLB-EBA) 2023 WL 1822833, at p. *2 [finding a waiver that bars claims under the IDEA prevents a court from reviewing those claims].) The ALJ ruling stated that if Student sought to invalidate, or set aside, a settlement agreement, Student must seek relief from a court of competent jurisdiction, such as a state or federal court. (*Y.G. supra*, 774 F.Supp.2d at pp. 1061-62.) Despite the clarity of the ALJ's findings, Parent on behalf of Student repeatedly asserted that Cupertino breached the settlement agreement in

support of Student's claims in multiple motions and assertions in Student's five subsequently filed due process complaints.

The expedited decision in OAH Case Number 2025041265 also found that Student had been found eligible for special education in January 2023. However, Parents revoked their consent for special education on November 19, 2024. Student did not appeal the expedited decision in OAH Case Number 2025041265.

On June 5, 2025, Parent filed Student's fourth complaint, OAH Case Number 2025060187, during an ongoing expedited due process hearing on Student's third complaint, OAH Case Number 2025041265. It included expedited and non-expedited claims. OAH set the due process hearing on the expedited claims to start on July 1, 2025, and the hearing on the non-expedited claims to start on July 15, 2025. OAH dismissed Student's only non-expedited claim for lack of jurisdiction.

The expedited hearing began on July 1, 2025. After three days of hearing and during the second witness's testimony, Parent failed and refused to proceed with testimony of the witness on the stand or another witness, who Student requested and was available to testify. Parent's comments indicated Parent wanted to end the hearing so Student could, potentially, have a different judge decide the case.

OAH issued a July 7, 2025 Order Dismissing Expedited Case with Prejudice for Failure to Prosecute, due to Student's abandonment of the case when Parent refused to continue, in the middle of a hearing day, with two witnesses waiting to testify. Student did not appeal that order.

On July 30, 2025, Parent filed Student's fifth complaint, OAH Case Number 2025080032. It included expedited and non-expedited claims, almost all of which were identical to those raised in Student's fourth complaint, OAH Case Number 2025060187.

The August 18, 2025 Order Following Expedited Prehearing Conference and Dismissing Claims Barred by Res Judicata dismissed parts of Student's remaining expedited issues in Student's fifth complaint. The ALJ determined that several of Student's claims were limited by the July 7, 2025 Order in OAH Case Number 2025060187 dismissing Student's claims with prejudice from November 20, 2024, to June 6, 2025. The issues considered in OAH Case Number 2025060187 were whether Cupertino failed to conduct a manifestation determination as required by state and federal law, following greater than 10 school days of disciplinary removals from Student's educational placement, including the Expanded Learning Opportunities Program, and informal suspensions between November 20, 2024, and June 6, 2025.

The final order in OAH Case Number 2025060187 dismissed these claims, with prejudice, for the period November 20, 2024, to June 6, 2025, for failure to prosecute. Therefore, Student's attempt in OAH Case Number 2025080032 to again litigate whether Cupertino failed to conduct a manifestation determination, following greater than 10 school days of disciplinary removals from the Expanded Learning Opportunities Program and informal suspensions, between November 20, 2024, and June 6, 2025, was barred.

Student filed a sixth complaint against Cupertino on September 12, 2025, designated, OAH Case Number 2025090479. In the September 30, 2025 Order Following Expedited Prehearing Conference, the ALJ who presided over that proceeding limited Student's issues to whether Cupertino violated title 20 United States Code section 1415(k) by failing to hold a manifestation determination review following more than 10 school days of disciplinary removals from Student's educational placement, including the Expanded Learning Opportunities Program and informal suspensions, between June 5, 2025, and September 12, 2025.

The ALJ in effect granted Cupertino's motion to dismiss Student's expedited claims that overlapped in time with those covered by the June 27, 2025 Expedited Decision in OAH Case Number 2025041265 and those dismissed with prejudice by the July 7, 2025 Order Dismissing Expedited Case with Prejudice for Failure to Prosecute in OAH Case Number 2025060187. The ALJ took under submission the remaining aspect of Cupertino's motion to dismiss Student's expedited claims, regarding alleged removals that occurred outside Cupertino's regular school year, specifically between June 6, and August 13, 2025. Student subsequently withdrew the case without prejudice.

Student filed a seventh complaint against Cupertino on November 5, 2025, designated, OAH Case Number 2025110210. Student raised multiple claims, similar or identical to those in previous complaints, with an applicable timeframe ending on November 5, 2025. OAH recognized that Student's multiple separate claims were arguments and contentions regarding Cupertino's alleged failure to conduct a manifestation determination review when required. Following a nine-day hearing, OAH issued an expedited decision on February 4, 2026, finding entirely in Cupertino's favor. Student did not appeal that decision.

Student filed an eighth complaint against Cupertino on January 12, 2026, designated, OAH Case Number 2026010399. As with previous complaints, Student realleged multiple separate claims that were arguments and contentions regarding Cupertino's alleged failure to conduct a manifestation determination review when required. OAH determined the applicable timeframe for Student's eighth complaint was November 5, 2025, through January 12, 2026, excluding Student's claims before November 5, 2025 as previously litigated and decided.

The ALJ in that matter reorganized Student's expedited issues as follows:

1. Did Cupertino remove Student from Student's current school setting, including after-school programs, because Student violated a code of student conduct, for more than 10 school days, between November 5, 2025, and January 12, 2026?
2. If so, did Cupertino have a basis of knowledge, between November 5, 2025, and January 12, 2026, that Student was a child with a disability before the behavior that precipitated the alleged disciplinary actions occurred?
3. If so, did Cupertino violate Title 20 United States Code section 1415, subdivision (k), by failing to conduct a manifestation determination review before removing Student from Student's current school setting, including after-school programs, for more than 10 school days between November 5, 2025, and January 12, 2026?

Following a three-day hearing, OAH found entirely in Cupertino's favor. Student did not appeal that expedited decision. Following the issuance of the expedited decision, OAH dismissed Student's non-expedited claims arising prior to the April 2025 Settlement agreement, as being barred by the waiver in that agreement.

With this background in mind, Cupertino's motion to dismiss is granted as explained below.

STUDENT'S EXPEDITED CLAIMS PRIOR TO JANUARY 13, 2026 ARE BARRED

Student's current ninth complaint realleges multiple claims identical or functionally identical to claims raised in previous complaints which were previously adjudicated.

During the August 17, 2026 prehearing conference, the undersigned ALJ determined that Student Issues 6-10, 17-32 and 59-75, contained contentions regarding removal or preclusion from classes, special education services, after school programs, educational interventions, and extracurricular activities beginning in the 2023-2024 school year and continuing until the date Student filed his complaint on July 28, 2026. These included, for example, the Expanded Learning Opportunities Program, reading, writing, and math interventions, physical education, social activities, and student-parent school activities. Student's contentions constituted underlying factual allegations Student may seek to prove at the expedited hearing.

The expedited issues were clarified as follows:

1. Did Cupertino remove Student from his current school setting, including afterschool programs, because Student violated a code of student conduct, for more than 10 school days, between January 13, 2026 and July 28, 2026?
2. If so, did Cupertino have a basis of knowledge, between January 13, 2026 and July 28, 2026, that Student was a child with a disability before the behavior that precipitated the alleged disciplinary actions occurred?
3. If so, did Cupertino violate Title 20 United States Code section 1415, subdivision (k), by failing to conduct a manifestation determination review before removing Student from his current school setting, including afterschool programs, for more than 10 school days between January 13, 2026 and July 28, 2026?

Student's expedited claims reflected in Issues 6-10, 17-32 and 59-75, as alleged in Student's complaint, prior to January 13, 2026, are barred because they were previously adjudicated, or barred by the April 2025 Settlement Agreement, as has been previously determined by OAH on multiple occasions.

Accordingly, Cupertino's Motion to Dismiss Expedited Claims is granted.
Student's claims shall proceed to expedited hearing as described above.

IT IS SO ORDERED.

Ted Mann

Ted Mann

Administrative Law Judge

Office of Administrative Hearings