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 2025110210

ORDER DENYING MOTION TO BIFURCATE HEARING

On November 5, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Cupertino Union School District, stating both expedited and non-expedited claims.

On November 24, 2025, Cupertino moved to bifurcate the hearing such that Student's Issue 1 would be adjudicated and decided before taking evidence on the remaining issues. Student's Issue 1, as stated in the December 1, 2025 Order Following Prehearing Conference for Expedited Hearing, asks "Did Cupertino have a basis of knowledge, between April 11, 2025 and November 5, 2025, that Student was a child with a disability before the behavior that precipitated the disciplinary actions occurred?" Cupertino argues that this is a threshold question to determine whether Student is student with a disability entitled to the protections of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.) Cupertino argues that deciding this threshold

question first, before addressing the other expedited or non-expedited issues, would promote judicial economy.

No special education law or regulation addresses bifurcation of issues. The Office of Administrative Hearings generally looks to civil cases and the California Administrative Procedure Act for guidance. Government Code section 11507.3 provides that an administrative law judge on the judge's own motion or on motion of a party may order a separate hearing of any issue, including an issue raised in the notice of defense, or of any number of issues, in furtherance of convenience or to avoid prejudice or when separate hearings will be conducive to expedition and economy. Code of Civil Procedure section 598 contains a similar provision for civil trials. The court may make an order that the trial of any issue or any part thereof shall precede the trial of any other issue when the convenience of witnesses, the ends of justice, or the economy and efficiency of handling the litigation would be promoted.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored.

The timelines involved in expedited hearings are even shorter. Title 20 United States Code section 1415(k)(3) permits a party to request an expedited hearing for specific reasons. Specifically, an expedited hearing can be requested to appeal to appeal a disciplinary change of placement, such as placement in an alternative education setting or a manifestation determination regarding student conduct. This section requires an expedited hearing start within 20 school days from the hearing request and a decision issued within ten school days after the hearing's completion.

Here, judicial economy is not served, litigation efficiency is not promoted, and the mandate of speedy resolution of claims under the IDEA cannot be met, by bifurcation under these facts. In the event Student is determined to be eligible for special education during the period in question, bifurcation will result in an unnecessary delay of the full disposition of Student's claims. In addition, bifurcation will likely result in the duplication of evidence and witnesses. Most importantly for the expedited hearing, bifurcation would either create a two-part hearing process, which is not contemplated by the timelines, or would necessitate a lengthy mid-hearing continuance to decide the threshold issue. Therefore, contrary to Cupertino's arguments, judicial economy would not be furthered. The motion is denied.

IT IS SO ORDERED.

June Lehrman

June Lehrman
Administrative Law Judge
Office of Administrative Hearings