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 2026010399

ORDER DISMISSING STUDENT'S REMAINING NON-EXPEDITED CLAIMS WITHOUT PREJUDICE

APRIL 16, 2026

On January 12, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Student naming Cupertino Union School District. The complaint contained expedited and non-expedited hearing issues. OAH set the expedited and non-expedited matters for separate hearings.

Student's 74-page Complaint alleged 70 issues, many of which had multiple subparts. Thirty-eight issues, Issues 1 through 21 and 54 through 70, were decided in the March 4, 2026 Expedited Decision, following the hearing on February 2, 4, and 11, 2026. The Expedited Decision issued March 4, 2026.

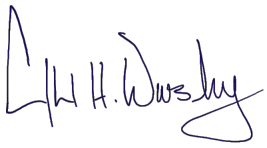
After the Expedited Decision, thirty-two non-expedited issues remained. On April 6, 2026, OAH granted Cupertino's motion and dismissed 12 non-expedited issues, Numbers 22-27, 29-33, and 46, which were outside of OAH's jurisdiction. On April 9, 2026, OAH ordered Issue 53 dismissed because OAH lacked jurisdiction and further dismissed all claims preceding April 11, 2025. Nineteen non-expedited issues remain, none of which can precede April 11, 2025. The remaining non-expedited claims are presently set for hearing on April 21, 22 and 23, 2026.

On February 23, 2026, the undersigned ALJ convened the prehearing conference, or PHC, on the non-expedited portion of the hearing. Prior filings demonstrate that Student was well aware of the date and time of the PHC. However, Student failed to attend the PHC. OAH issued an order continuing the non-expedited PHC to April 13, 2026. The undersigned ALJ convened the April 13, 2026 PHC and Student, again, failed to appear. On April 14, 2026, OAH issued an order to show cause why the matter should not be dismissed for Student's failure to prosecute his case.

On April 16, 2026, Parent on behalf of Student filed a response to the order to show cause and gave notice of withdrawal of the due process complaint. The expedited issues in Student's complaint have already been decided in the March 2026 Expedited Decision. As discussed above, 13 non-expedited issues were previously dismissed for lack of jurisdiction, leaving 19 issues set for hearing. Based upon Student's withdrawal, those 19 non-expedited issues are hereby dismissed, without prejudice. .

All dates are vacated and Student's remaining non-expedited claims are hereby dismissed, without prejudice.

Though this matter has now been dismissed, Cupertino retains its rights under title 20 United States Code section 1415(i)(3)(b)(III).



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings