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 DENYING MOTION TO ISSUE SANCTIONS AGAINST CUPERTINO UNIFIED SCHOOL DISTRICT FOR FAILING TO SCHEDULE A RESOLUTION SESSION

JANUARY 28, 2026

On January 13, 2026, Parent on behalf of Student, filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Cupertino Unified School District as respondent.

On January 20, 2026, Parent filed Student's Motion to Issue Sanction Against Respondent because Cupertino failed to timely convene a resolution session. Cupertino did not file a response.

APPLICABLE LAW

A local educational agency is required to meet with the parents and Student's relevant Individualized Education Program team members within 15 days of receiving Student's complaint. (20 U.S.C. § 1415(f)(1)(B)(i)(I); 34 C.F.R. § 300.510(a)(1) (2006). The meeting called a resolution session, can be waived in writing by both parties or if they agree to use mediation. (34 C.F.R. § 300.510(a)(3).) If the parents do not attend the resolution session, and it was not waived, there is no due process hearing until the resolution session waived or held. (34 C.F.R. § 300.510(b)(3).) The respondent can request the case be dismissed after the 30-day period, if it documented reasonable efforts to hold the resolution session and the parents did not attend. (34 C.F.R. §300.510(b)(4).)

If the respondent school district fails to hold the resolution session within 15 days of the complaint's filing or fails to participate in the resolution meeting, the parent may seek the intervention of the hearing officer to begin the due process hearing timeline. In other words, the Parent can ask that the 45-day timeline commence, without a resolution session. (34 C.F.R. §300.510(b)(5).)

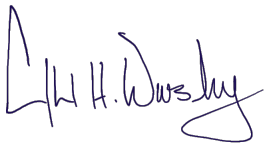
DISCUSSION

Parent seeks sanctions, claiming Student has been denied due process, because Cupertino failed to convene a resolution session. However, the controlling federal regulation clearly delineates the relief which a parent may seek because a school district fails to hold the resolution meeting. Parent on behalf of the Student can request OAH to begin the due process timeline. (34 C.F.R. §300.510(b)(5).) The regulations do not provide for any other relief for failure to convene or participate in a resolution session. Therefore, Parent's request for sanctions is denied.

ORDER

Student's motion to issue sanctions against Cupertino because it failed to convene a resolution session is denied.

IT IS SO ORDERED



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings