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 DISMISSING CLAIMS AGAINST YMCA SILICON VALLEY AND CUPERTINO UNION SCHOOL DISTRICT BOARD OF EDUCATION, DENYING YMCA SILICON VALLEY REQUEST FOR COST SHIFTING, AND VACATING ORDER TO SHOW CAUSE

DECEMBER 1, 2025

On November 5, 2025, Student filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Cupertino Union School District, Cupertino Union School District Board of Education, and YMCA Of Silicon Valley. This was the second case filed against Cupertino Board of Education and the third case filed against YMCA Silicon Valley, despite prior rulings that

these entities do not meet the legal definition of a public agency owing Student a free, appropriate public education or FAPE. On November 12, 2025 OAH issued an order to show cause to Student as to why YMCA Silicon Valley and Cupertino Union School District's Board of Education should not be dismissed as respondents. Student filed a timely response to the order to show cause. YMCA Silicon Valley filed a reply to Student's response and requested cost shifting. Cupertino Union School District's Board of Education did not reply to Student's order to show cause response.

As neither the YMCA Silicon Valley nor Cupertino Union School District's Board of Education fall within the legal definition of public agencies obligated to offer FAPE, they do not fall within the jurisdiction of OAH's Special Education Division and will be dismissed.

The prior filings include two cases, filed and dismissed against YMCA Silicon Valley. The first, OAH case number 2025080037, filed July 31, 2025, was dismissed August 18, 2025 in its entirety due to lack of jurisdiction over YMCA. The second, OAH case number 2025090579, filed September 15, 2025, was dismissed September 25, 2025, also for lack of jurisdiction over YMCA. Per Student's request, reconsideration was granted in OAH case number 2025090579, but the dismissal due to lack of jurisdiction was confirmed. The reconsideration order stated, "Continued attempts to file IDEA complaints with OAH against YMCA Silicon Valley may subject Parent to sanctions."

Student filed OAH case number 2025090763 against Cupertino Union School District Board of Education, only. This case was dismissed in its entirety on September 23, 2025 due to lack of jurisdiction over the named Cupertino Union School District Board of Education. Also pursuant to Student's request, OAH reconsidered the order on October 1, 2025. On reconsideration, the original order dismissing the complaint was confirmed. The order also included a warning that sanctions might be imposed if

further complaints were filed against Cupertino Union School District's Board of Education.

APPLICABLE LAW

DISMISSAL OF ENTITIES OUTSIDE OAH JURISDICTION

Under the IDEA and California special education law, the responsibility to provide special education and related services is placed on the local educational agency. (Ed. Code, §§ 48200; 56340; 56344.) A local educational agency is a school district, a county office of education, a charter school participating as a member of a special education local plan area, or a special education local plan area. (Ed. Code, § 56026.3.)

Special education due process hearings may only involve the parent or guardian, a student and "the public agency involved in any decisions regarding a pupil." (Ed. Code, § 56501, subd. (a).) A "public agency" is defined as "a school district, county office of education, special education local plan area, or any other public agency providing special education or related services to individuals with exceptional needs." (Ed. Code, §§ 56500 and 56028.5.)

CUPERTINO UNION SCHOOL DISTRICT BOARD OF EDUCATION

Neither Student's complaint, nor Student's response to the order to show cause alleges how the Cupertino Board of Education qualifies as a public agency over which OAH has jurisdiction, separately from the Cupertino Union School District, in a complaint alleging violations of the Individuals with Disabilities in Education Act, also called the IDEA, or California Special Education Laws. Nor does Student offer either facts, or persuasive law establishing how Cupertino Union School District's Board of Education becomes a public agency providing special education or other related

services to individuals with exceptional needs, separately from Cupertino Union School District. (Ed. Code, §§ 56500 and 56028.5.)

As was previously explained to Student twice, in OAH case number 2025090763, Cupertino Union School District's Board of Education is not a separate entity from the school district as a whole, and OAH does not have jurisdiction over it as a separate entity. All claims against the Cupertino Union School District Board of Education are dismissed. Student is on notice that any future special education due process requests he files that name Cupertino Union School District Board of Education as a separate entity will result in OAH's immediate dismissal of the Board of Education without further notice to Student.

YMCA SILICON VALLEY

Similarly, neither Student's response to the Order to Show Cause, nor Student's complaint offer persuasive argument, or legal authority, establishing that an outside contractor, such as YMCA Silicon Valley, falls within the definition of public agency and is thus subject to the jurisdiction of OAH pursuant to the IDEA. (34 C.F.R. 300.33.)

Nor has Student offered any legal authority for the assertion that an entity that contracts with a school district to provide services, as YMCA Silicon Valley does with Cupertino, becomes a public agency providing special education or other related services to individuals with exceptional needs." (Ed. Code, §§ 56500 and 56028.5.) Nor does Student allege facts demonstrating that the YMCA is responsible for providing Student a FAPE, or that the YMCA had decision making authority over Student's special education and related services.

As has been explained to Student in prior OAH rulings, in OAH cases numbers 2025080037 and 2025090579, OAH does not have jurisdiction over YMCA Silicon Valley

as a respondent in a special education request for due process. All claims against YMCA Silicon Valley are dismissed. Student is on notice that any future special education due process requests he files that name YMCA Silicon Valley as a respondent will result in OAH's immediate dismissal of the YMCA Silicon Valley without further notice to Student.

SANCTIONS

In certain circumstances, an administrative law judge, known as the ALJ, presiding over a special education proceeding is authorized to shift expenses from one party to another, or to the Office of Administrative Hearings. (Gov. Code, §§ 11405.80, 11455.30; Cal. Code. Regs., tit. 5, § 3088; see *Wyner ex rel. Wyner v. Manhattan Beach Unified School Dist.* (9th Cir. 2000) 223 F.3d 1026, 1029 ["Clearly, California Code of Regulations § 3088 allows a hearing officer to control the proceedings, similar to a trial judge."].) Only the ALJ presiding at the hearing may place expenses at issue. (Cal. Code. Regs., tit. 5, § 3088, subd. (b).)

Expenses may be ordered to be reimbursed either to OAH or to another party. With approval from the General Counsel of the California Department of Education, the ALJ presiding over the hearing may "order a party, the party's attorney or other authorized representative, or both, to pay reasonable expenses, including costs of personnel" to OAH (as the entity that is responsible for conducting due process hearings) as a result of bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay." (Cal. Code. Regs., tit. 5, § 3088, subds. (a) & (e); see Gov. Code, § 11455.30, subd. (a).) An ALJ presiding over a hearing may, without first obtaining approval from the California Department of Education, "order a party, the party's attorney or other authorized representative, or both, to pay reasonable expenses, including attorney's fees, incurred by another party as a result of bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay." (Gov. Code,

§ 11455.30, subd. (a); Cal. Code. Regs., tit. 5, § 3088, subd. (a).) An order to pay expenses is enforceable in the same manner as a money judgment or by seeking a contempt of court order. (Gov. Code, § 11455.30, subd. (b).)

"Actions or tactics" is defined as including, but not limited to, making or opposing motions or filing and serving a complaint. (Gov. Code, §11455.30, subd. (a); Code Civ. Proc., § 128.5, subd. (b)(1).) Filing a complaint without serving it on the other party is not within the definition of "actions or tactics." (*Ibid.*) "Frivolous" means totally and completely without merit or for the sole purpose of harassing an opposing party. (Gov. Code, § 11455.30, subd. (a); Code Civ. Proc., § 128.5, subd. (b)(2).) A finding of "bad faith" does not require a determination of evil motive, and subjective bad faith may be inferred. (*West Coast Development v. Reed* (1992) 2 Cal.App.4th 693, 702.)

Student continues to file claims against YMCA of Silicon Valley and the Cupertino Union School District Board of Education despite multiple rulings these entities do not fall within OAH jurisdiction for the claims filed against them. This constitutes bad faith as the filings are completely without merit as OAH does not have jurisdiction over claims against these entities in a special education request for due process case. Here, Student has failed to comply with prior rulings declaring the entities Cupertino Union School District Board of Education and YMCA Silicon Valley are not valid parties to the special education cases he is bringing before OAH.

However, YMCA Silicon Valley failed to offer evidence of their attorneys' hourly rates, the number of hours worked, and the specific work billed for in calculating the amount of costs they incurred. Cupertino's counsel's conclusory statements of amounts charged, set forth in a declaration, are not adequate evidence of expenses incurred to support shifting expenses to Student. YMCA Silicon Valley's request for sanctions is denied. OAH will not pursue cost shifting in this instance. However, Student is on

notice that further meritless claim filings, that ignore prior OAH rulings, may result in OAH pursuing contempt sanctions, which would require Student to reimburse OAH and/or any party improperly named, including YMCA Silicon Valley and Cupertino Union School District Board of Education.

ORDER

1. Cupertino Unified School District's Board of Education is dismissed as a respondent in this case due to lack of jurisdiction.
2. Student is on notice that any future special education due process requests he files that name Cupertino Unified School District's Board of Education as a respondent will result in OAH's immediate dismissal of the Cupertino Unified School District's Board of Education without further notice to Student.
3. YMCA Silicon Valley is dismissed as a respondent in this case, due to lack of jurisdiction.
4. Student is on notice that any future special education due process requests he files that name YMCA Silicon Valley as a respondent will result in OAH's immediate dismissal of the YMCA Silicon Valley without further notice to Student.

5. YMCA Silicon Valley's request for sanctions is denied.
6. The Order to Show Cause is hereby vacated.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings