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 TO SHOW CAUSE AS TO WHY MATTER SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE

APRIL 13, 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 claims. OAH set the expedited and non-expedited matters for separate hearings. The administrative law judge is called the ALJ. A prehearing conference is called a PHC.

The expedited claims proceeded to hearing on February 2, 4, and 11, 2025. The Expedited Decision issued March 4, 2026. On February 19, 2026, Parent filed Student's motion to continue the non-expedited February 23, 2026 PHC and the March 3, 4, and 5, 2026 non-expedited hearing. On February 20, 2026, Cupertino filed a response, not

opposing a continuance but disagreeing with the continued hearing dates proposed by Parent. ALJ Clifford H. Woosley convened the February 23, 2026 non-expedited PHC at 1:00 PM. Though Parent acknowledged knowing the PHC time and date in prior filings, Parent did not appear at the PHC. The non-expedited PHC was continued to April 13, 2025, and the non-expedited hearing was continued to April 21, 22, and 23, 2026.

On April 3, 2026, Student filed a motion to continue the non-expedited April 13, 2026, PHC and the non-expedited April 21, 22, and 23, 2026 hearing, to late May 2026. Cupertino filed opposition on April 8, 2026. On April 9, 2026, ALJ Woosley denied the motion to continue because Parent had not demonstrated good cause for a second continuance.

ALJ Woosley convened the non-expedited PHC at 3:00 PM, Monday, April 13, 2026. Cupertino's counsel appeared; Parent did not. ALJ Woosley decided to give Parent additional time to appear, instructing counsel to turn off their camera and microphone. ALJ Woosley went off the record. When Parent had not appeared by 3:20 PM, ALJ Woosley went back on the record and reconvened the non-expedited PHC. At that time, ALJ Woosley stated he was going to issue an Order to Show Cause, to Parent on behalf of Student, as to why this matter should not be dismissed for failure to prosecute Student's case.

A petitioner in a due process proceeding must attend the prehearing conference in order to go to hearing. A prehearing conference is when the issues for hearing are finalized, the parties' proposed witnesses are discussed, the proposed documentary evidence is reviewed, the parties' objections resolved, all pending motions are resolved, and any emergency new motion or concern is addressed. Here, despite knowing the date and times of the two non-expedited prehearing conferences, Parent on behalf of Student did not appear at either conference.

Parent on behalf of Student has not diligently pursued the non-expedited issues in this matter, as demonstrated by failing to appear at the two scheduled non-expedited PHCs. Parent on behalf of Student cannot proceed to hearing on the non-expedited issues without appearing and participating in the PHC.

Parent on behalf of Student is ordered to show cause in writing as to why this matter should not be dismissed, no later than:

12:00 PM, on Thursday, April 16, 2026.

If Parent fails to timely file a writing as to why this matter should not be dismissed, the hearing will be vacated and the matter dismissed.

The hearing on this order to show cause is set for:

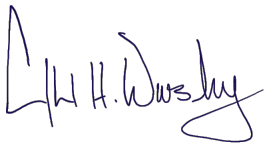
10:00 AM, Friday, April 17, 2026.

If Parent fails to appear at the hearing on the order to show cause, the hearing will be vacated and the matter dismissed.

If Parent successfully demonstrates that this matter should not be dismissed, the PHC on the non-expedited issues will take place following the ruling on the order to show cause, at:

10:00 AM, Friday, April 17, 2026.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings