BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

STOCKTON UNIFIED SCHOOL DISTRICT,

and

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025110436

OAH CASE NUMBER 2025090038

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING MOTION TO CONSOLIDATE AND DENYING MOTION TO CONTINUE

NOVEMBER 17, 2025

On November 17, 2025, Administrative Law Judge Jennifer Kelly, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Tommy Hogan appeared on behalf of Student. Attorney Rebecca Diddams appeared on behalf of Stockton Unified School District, called Stockton

Unified. Law clerk James Largent also appeared on Student's behalf. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

MOTION TO CONSOLIDATE

On August 29, 2025, Student filed a request for due process hearing with OAH in case number 2025090038, Student's Case, naming Stockton Unified. On September 18, 2025, Stockton Unified filed a notice of insufficiency as to the complaint. On September 25, 2205, OAH issued an order determining the complaint insufficiently pled.

On October 7, 2025, Student filed an amended complaint. On October 21, 2025, Stockton Unified filed a second notice of insufficiency. On October 23, 2025, OAH issued an order determining the amended complaint sufficiently pled. OAH scheduled the prehearing conference, called PHC, for November 17, 2025, at 3:00 PM, and the due process hearing for November 25 and 26, 2025.

On November 13, 2025, Stockton Unified filed a complaint with OAH in case number 2025110436, Stockton Unified's Case, naming Student. On November 13, 2025, OAH issued a scheduling order and set the PHC for December 1, 2025, at 1:00 PM, and the due process hearing for December 9, through 11, 2025.

On November 13, 2025, Stockton Unified filed a motion to consolidate the cases. OAH did not receive a response to the consolidation motion from Student.

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a)

[administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Student's Case alleges Stockton Unified denied Student a free appropriate public education, called FAPE, by attempting to terminate Student's eligibility for special education in an August 2025 individualized education program, called IEP, team meeting without a comprehensive evaluation or parental consent. Stockton Unified's Case seeks a determination that it may exit Student from special education and related services without parental consent because Student no longer meets eligibility criteria.

Both cases involve a common question of law or fact, specifically whether Stockton Unified may exit Student from special education. Both cases concern Stockton Unified's August 2025 psychoeducation, speech and language, and nursing evaluations for Student and the IEP team meeting held on August 26, 2025 to determine Student's continued eligibility for special education.

Consolidation furthers the interests of judicial economy because both cases involve the same parties and school year, and many of the same witnesses will be required to testify in each proceeding. Accordingly, consolidation is granted.

When consolidating cases, OAH designates a case whose statutory timelines will apply to the consolidated matter. Here, the statutory timeline shall be controlled by Stockton Unified's Case, OAH case number 2025110436. Following consolidation, the consolidated matters shall proceed on the dates set for hearing in Stockton Unified's Case.

STOCKTON UNIFIED'S MOTION TO CONTINUE IS MOOT

On November 13, 2025, Stockton Unified filed a motion to continue the due process hearing in Student's Case due to the excusable unavailability of one of its witnesses. Stockton Unified's motion was supported by a declaration under penalty perjury by its attorney. Stockton Unified's attorney attested to Student's agreement to a continuance until December 2, through 4, 2025.

On November 17, 2025, the parties filed a joint stipulation to continue the due process hearing begin December 2, 2025.

Stockton Unified's motion to continue is denied as moot because of this order granting the motion to consolidate.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the PHC. All further matters will be discussed at the PHC in the consolidated cases. Any discussion and conversation not referenced in this Order is not binding on the ALJ conducting the hearing and may not be relied upon by the parties. The parties should be aware that, at hearing, the ALJ conducting the hearing has discretion to reconsider any part of this Order.

ORDER

1. Stockton Unified's motion to consolidate is granted.
2. Stockton Unified's Case, OAH case number 2025110436, is designated as the primary case. All dates previously set in Student's Case are vacated.
3. The consolidated matter shall proceed on the dates currently scheduled in Stockton Unified's Case.

4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in Stockton Unified's Case, OAH case number 2025110436.
5. Stockton Unified's motion to continue is denied.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings