BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

WEST COVINA UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2025090487

OAH CASE NUMBER 2025090130

ORDER GRANTING MOTION TO CONSOLIDATE

SEPTEMBER 19, 2025

On August 29, 2025, West Covina Unified School District filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing naming Student in OAH Case no. 2025090130, called District's Case. On September 12, 2025, Student filed a Request for Due Process Hearing naming West Covina in OAH Case no. 2025090487, called Student's Case. Student's Case alleges both expedited and non-expedited issues.

On September 17, 2025, Student filed a motion to consolidate District's Case and Students Case, in each case. On September 18, 2025, West Covina filed a non-opposition to Student's motion in each case.

CONSOLIDATION

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 cases that involve the same parties, a common question of law and/or fact, and when consolidation of the cases furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a); Code of Civ. Proc., § 1048, subd. (a).)

Here, Student's Case and District's Case involve common questions of law and fact related to West Covina's IEP offers to Student. West Covina's issue in District's Case whether West Covina's November 15, 2024 individualized education program, for Student, called an IEP, as amended May 20, 2025, offered Student a free appropriate public education, or FAPE, in the least restrictive environment appropriate for Student. In Student's Case, Student's non-expedited issues include whether West Covina predetermined its November 15, 2024 IEP offer, and whether the November 15, 2024 IEP offer, May 20, 2025 IEP, and subsequent IEP's, denied Student a FAPE by failing to offer Student placement in the least restrictive environment for Student, failing to offer Student a behavior intervention plan, and failing to offer Student sufficient related services and supports to address his needs.

Consolidation furthers the interests of judicial economy because both cases will involve many of the same witnesses, documents, and factual questions. West Covina does not oppose Student's motion. Also, consolidation of District's Case to be heard at the same time as the non-expedited issues in Student's Case will not prejudice Student's right to an expedited due process hearing of Student's expedited issues within 20 school days of the filing of Student's due process hearing request. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2).).

Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case no. 2025090487is designated as the primary case. The previous September 23, 24, and 25, 2025 hearing dates in District's Case number 2025090130 are vacated.
3. The consolidated matters shall proceed on the dates set for hearing in Student's Case, with the expedited hearing dates remaining the same and West Covina's issue to be heard on the same hearing dates as Student's non-expedited issues, presently set for hearing on October 28, 29, and 30, 2025.
4. The 45-day timeline for issuance of the non-expedited decision in the consolidated cases shall be based on the date of the filing of the complaint in Student's Case number 2025090487.

IT IS SO ORDERED.



Robert G. Martin

Administrative Law Judge

Office of Administrative Hearings