BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT

v.

BEVERLY HILLS UNIFIED SCHOOL DISTRICT

OAH CASE NUMBER 2026030777

ORDER FOLLOWING PREHEARING CONFERENCE DENYING REQUEST FOR CONSOLIDATION AND SETTING DATES

JUNE 15, 2026

On June 12, 2026, Administrative Law Judge Chris Butchko, Office of Administrative Hearings, held a telephonic prehearing conference. The Administrative Law Judge will be referred to as an ALJ and the Office of Administrative Hearings will be referred to as OAH. The prehearing conference will be referred to as a PHC. Valerie Vanaman, Attorney at Law, appeared on behalf of Student. Lindsey Steinmetz, Attorney at Law, appeared on behalf of Beverly Hills Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

Student filed a first due process hearing request, called a complaint, on March 17, 2026, naming Beverly Hills and receiving OAH case number 2026030777. On June 11, 2026, Student filed an additional complaint against Beverly Hills, receiving OAH case number 2025060622. On June 11, 2026, Beverly Hills moved to consolidate the two matters and to continue the due process hearing date set in Student's first action to that set in OAH case 2026060622. Student filed in opposition on June 11, 2026.

The motion was not filed three days before the PHC. The motion did not include a declaration of good cause why the motion was not filed prior to the motion cut-off three days before the June 12, 2026, PHC. As the amended complaint was not filed until June 11, 2026, it was not possible to file the motion before the June 9, 2026, motion cut-off. Further, Student was able to file in opposition to the motion and argue against the motion at the PHC. Accordingly, the motion will be considered on its merits.

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].)

In her opposition to the motion, Student contended that the two cases do not involve common questions of law or fact because Student's presentation had greatly changed in the time period between late August of 2025, the date of the last individualized education program, called an IEP, at issue in Student's first filing, and the

April 16, 2026 IEP at issue in Student's second filing. Student states that she chose not to amend her March 17, 2026, filing and chose instead to file a separate action on June 11, 2026, because the specific provisions of the laws to be applied are different between the two actions. In addition, Student sees no risk of inconsistent rulings if the cases were tried separately.

Both cases involve common questions of law or fact. Specifically, Student's educational history, her need and eligibility for special education services, and Beverly Hills' knowledge of those needs are at issue in both cases. In addition, the two cases involve the same parties. The cases involve overlapping and consecutive periods of time and will require the testimony of many of the same witnesses. Consolidation may serve the ends of judicial efficiency, allowing the two matters to be resolved in a single hearing.

At the PHC, Student argued vehemently in opposition to the motion. Counsel stated that the family would be barred from mediating OAH case 2026060626 if consolidation were granted. The ALJ offered to set a mediation date in the PHC order and obtained Beverly Hills' agreement to mediate, but Beverly Hills was unable to contact an administrator during the PHC to select a date for mediation. The ALJ encouraged the parties to move for mediation following consolidation if they so desired.

Counsel further contended that Parents would be prejudiced by having to appear at one lengthier hearing, rather than at two separate proceedings, that all of counsel's work in preparing for the first hearing would be wasted if consolidation were granted, and that the ALJ's expressed intention to grant consolidation displayed an institutional bias by OAH in favor of school districts. Student further argued that consolidation would primarily benefit Beverly Hills, as it would likely present the same witnesses for both actions, but Student would have substantially different witnesses for OAH case

2026060626. None of those arguments are persuasive or probable. Hearing both matters together will result in a lengthier hearing, but the total days of hearing for the one matter will be less than if the matters were tried separately. The amount of preparation required for hearing becomes no greater if the cases are heard together, preparation for the first action has the same value for a consolidated action, and it may conserve judicial resources to consolidate the cases. The ALJ verified with Student's counsel that all relief sought in Student's first case was retrospective, and only the second case concerned Student's current and future placement. Student would not be prejudiced by the consolidation.

Although consolidation appears appropriate for the reasons set forth above, upon reconsideration of the matter the motion to consolidate will be denied. As a matter of policy, OAH does not consolidate actions filed by the same party because each case is governed by different procedural timelines, including the requirement for the local educational agency to convene a resolution session in each action.

Because the PHC did not proceed to discuss all aspects of the case, a brief continuance is necessary. All dates previously set in OAH case number 2026030777, are vacated and the matter will proceed on the following dates:

PHC shall be held on Friday, June 22, 2026, at 3:00 PM.

DUE PROCESS HEARING shall be held on Tuesday, June 30, 2026, through Thursday, July 2, 2026, beginning at 9:30 AM on all days, continuing day to day as needed at the discretion of the Administrative Law Judge.

All other prehearing conference matters shall be taken up at the resumption of the prehearing conference on June 22, 2026. The parties may, but need not, file new prehearing conference statements.

SETTLEMENT

The parties shall immediately inform OAH in writing if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If the parties reach a settlement within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

If a full and final written settlement agreement is reached after 5:00 PM the day before the hearing, the parties shall leave a voicemail message regarding the settlement at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH at https://www.applications.dgs.ca.gov/oah/oahsftweb.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

FAILURE TO COMPLY

Failure to comply with this order may result in the exclusion of evidence or other sanctions.

ORDER INCLUDES ALL RULINGS

This order includes all rulings made at the PHC.

IT IS SO ORDERED.

Chris Butchko

Chris Butchko

Administrative Law Judge

Office of Administrative Hearings