BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

SANGER UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026090224

OAH CASE NUMBER 2026090002

ORDER FOLLOWING PREHEARING CONFERENCE AND GRANTING MOTION TO CONSOLIDATE

SEPTEMBER 21, 2026

On September 14, 2026, Administrative Law Judge Charles Marson, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge will be referred to as an ALJ. The prehearing conference will be referred to as a PHC.

Adrienne C. Nichelini, Attorney at Law, represented the Sanger Unified School District. Damian R. Fragoso, Attorney at Law, represented Student. The PHC was recorded. Based on discussion with the parties, the ALJ issues the following order:

MOTION TO CONSOLIDATE

The only matter addressed at the PHC was Student's motion to consolidate. On August 31, 2026, Sanger filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case Number 2026090002, Sanger's Case, naming Student.

On September 4, 2026, Student filed a Request for Due Process Hearing in OAH Case Number 2026090224, Student's Case, naming Sanger. On September 4, 2026, Student also filed a Motion to Consolidate the two cases.

On September 9, 2026, Sanger filed an objection to consolidation on the grounds that Student's motion was part of a larger pattern of deliberate delay and would prejudice Sanger by further delaying its case.

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 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].)

Sanger's objections to consolidation are unpersuasive. This matter was filed less than three weeks ago. Student promptly filed her own complaint and moved to consolidate. There has been no delay by Student in these two new matters.

Sanger presents a lengthy history of complaints filed and dismissed by both parties starting in November 2025 and concerning the same independent educational evaluation, called an IEE, as addressed in Sanger's most recent filing. This Order does

not express any opinion about Sanger's claim of delay by Student during those cases. Sanger's August 31, 2026, filing is different in scope. The previous filings concerned Student's disagreement with Sanger's December 8, 2025, triennial reassessment and her request for an IEE, and Sanger's rejection of that request. Sanger's new filing adds a second claim, which is that the IEP based upon its contested reassessment offers Student a FAPE and that Sanger should be allowed to implement it without parental consent. That new claim was not made in previous cases.

Sanger's claim of prejudice is based on the assumption that its IEP offer would provide Student a FAPE and would benefit both Student and Sanger if it could be implemented sooner than it might be if consolidation is granted. But Student has the opposite view, and the merits of that IEP cannot be determined without a hearing.

Here, both cases involve common questions of law and fact, specifically, whether Sanger's December 8, 2025, triennial reassessment was appropriate and legally compliant, and whether the IEP offer based on that reassessment offers Student a FAPE. The two cases will therefore involve many of the same witnesses and documents. In addition, consolidation furthers the interests of judicial economy by avoiding two separate hearings and eliminating the possibility of inconsistent rulings. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH Case Number 2026090224, is designated as the Primary Case. All dates previously set in Sanger's Case, OAH Case Number 2026090002, are vacated.

3. 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 Primary Case, OAH Case Number 2026090224.

IT IS SO ORDERED.

Charles Marson

Charles Marson

Administrative Law Judge

Office of Administrative Hearings