

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

IRVINE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2026030972

OAH CASE NUMBER 2026080146

ORDER FOLLOWING PREHEARING CONFERENCE
GRANTING DISTRICT'S MOTION TO CONSOLIDATE AND
GRANTING, IN PART, JOINT MOTION TO CONTINUE

AUGUST 10, 2026

On March 19, 2026, Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2026030972, Student's Case, naming Irvine Unified School District.

On August 4, 2026, Irvine filed a Request for Due Process Hearing in OAH case number 2026080146, District's Case, naming Student.

On August 4, 2026, Irvine filed a Motion to Consolidate the cases and to continue the due process hearing date set in District's Case, OAH case number 2026080146. On August 5, 2026, Student filed a notice of non-opposition to consolidation.

Also, on August 4, 2026, the parties filed a Joint Motion to Continue Due Process Hearing seeking continuance to September 29, through October 1, 2026. The hearing in Student's Case is set for August 18, through 20, 2026. The hearing in District's Case is set for August 25, through 27, 2026.

On August 7, 2026, Administrative Law Judge Ted Mann held a telephonic prehearing conference. The Administrative Law Judge will be referred to as an ALJ. The prehearing conference will be referred to as a PHC.

Damian Fragoso, Attorney at Law, appeared on behalf of Student. Amy Rogers, Attorney at Law, appeared on behalf of Irvine. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

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 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].)

Here, both cases involve a common question of law or fact, specifically, whether Irvine's offer of a free appropriate public education, called a FAPE, contained in the

individualized education program, called an IEP, dated October 16, 2025, as amended on November 5, 2025, January 12, 2026, and March 3, 2026, was legally sufficient. As noted, above, Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because of the overlapping witnesses and exhibits for hearing. Accordingly, consolidation is granted.

CONTINUANCE

A due process hearing must be conducted, and a decision rendered, within 45 days of receipt of the due process notice, unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.)

Good cause to continue a hearing may include:

- An essential lay or expert witness is unavailable because of death, illness, or other excusable circumstances;
- A party is unavailable because of death, illness, or other excusable circumstances;
- A party's attorney is unavailable because of death, illness, or other excusable circumstances;
- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;
- A new party is added, and the new party has not had a reasonable opportunity to prepare for trial, or other parties have not had a reasonable opportunity to prepare for trial regarding the new party's involvement;

- A party is unable to obtain essential testimony, documents, or other material evidence despite diligent efforts; or
- The case has a significant and unexpected change which makes the case not ready for trial.

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).)

The parties' motion to continue the hearing to September 29, 2026, fails to demonstrate good cause for continuance of that length. The parties failed to show direct scheduling conflicts with earlier-filed OAH cases that are set for hearing on August 11, 2026. The motion to continue the hearing to September 29, 2026 is denied.

However, there is good cause to continue the hearing in the consolidated cases to the dates set in District's Case, August 25, through 27, 2026. Granting this short continuance will allow the earlier-filed OAH cases to complete the estimated five-day hearing. In the event the earlier-filed OAH cases proceed to hearing and remain in hearing at the time scheduled for hearing in these consolidated cases, the parties may seek a further continuance in this matter.

ORDER

1. Irvine's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in District's Case, OAH case number 2026080146, are vacated.
3. The Joint Motion to Continue is granted in part. The consolidated matters shall proceed on the dates currently set for hearing in the District's Case:

The PHC will be held on August 17, 2026, at 1:00 PM, and the due process hearing will be held on August 25, through 27, 2026.

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 Student's Case, OAH case number 2026030972.

Ted Mann

Ted Mann

Administrative Law Judge

Office of Administrative Hearings