

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
CUPERTINO UNION SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2026050562

ORDER DENYING STUDENT'S MOTION TO CONSOLIDATE

AUGUST 12, 2026

On May 13, 2026, Cupertino Union School District filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2026050562, District's Case, naming Student. District's Case was restricted to the issue of the legal sufficiency of Cupertino's May 2025 initial assessment of Student. On May 29, 2026, the prehearing conference was held in District's case. The issues for hearing were identified and the matter set for hearing on those issues.

On July 28, 2026, Student filed a Request for Due Process Hearing in OAH case number 2026071182, Student's Case, naming Cupertino. Student's Case contains both expedited and non-expedited issues, runs to 66 pages, includes 75 issues, not including subparts, seeks 37 different remedies, and contains approximately 33 pages of what are described as relevant facts. Nowhere in the exhaustive due process hearing request are

the legal sufficiency of Cupertino's May 2025 assessments of Student raised as an issue, nor are any remedies sought regarding the assessments, such as a request for independent educational evaluations.

On July 30, 2026, Student filed a Motion to Consolidate the Student's Case and the District's Case. On July 31, 2026, Cupertino filed a notice of non-opposition.

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, Student's Case and District's Case do not involve a common question of law or fact. Specifically, and as noted above, District's Case focuses solely on the legal sufficiency of Cupertino's initial assessment of Student in May 2025. Student's Case, although raising myriad issues beginning with the 2023-2024 school year, makes no mention of the legal sufficiency of the May 2025 assessments, and does not raise such an issue. Although there may ultimately be some overlap regarding witnesses and or hearing exhibits, that is an insufficient reason to merge two disparate cases. Likewise, the interests of justice are furthered by a prompt hearing on the narrow issue raised by Cupertino, in a complaint filed over 12 weeks ago. The possibility of some evidentiary overlap, does not override the interests of judicial economy in this matter, including prompt resolution of District's Case.

ORDER

Student's Motion to Consolidate is denied.

Ted Mann

Ted Mann

Administrative Law Judge

Office of Administrative Hearings