

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

BUCKEYE UNION SCHOOL DISTRICT,

OAH CASE NUMBER 2026041031

OAH CASE NUMBER 2026080459

ORDER FOLLOWING PREHEARING CONFERENCE
GRANTING REQUEST FOR CONSOLIDATION AND
CONTINUANCE

AUGUST 14, 2026

On August 14, 2026, Administrative Law Judge Cararea Lucier, Office of Administrative Hearings, called OAH, held a videoconference prehearing conference, called a PHC. The Administrative Law Judge is called an ALJ.

Attorney Kathleen Aberegg appeared on behalf of Student. Attorneys Rebecca Diddams and James Largent appeared on behalf of Buckeye Union School District, called

Buckeye. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

MOTION TO CONSOLIDATE

On April 21, 2026, Student filed with OAH a request for due process hearing in OAH case number 2026041031, Student's Case, naming Buckeye.

On August 12, 2026, Buckeye filed a request for due process hearing in OAH case number 2026080459, District's Case, naming Student.

On August 12, 2026, Buckeye filed a motion to consolidate the cases. Buckeye argues both matters involve similar facts and legal issues, specifically whether Buckeye offered Student a FAPE during the 2025-2026 school year at individualized education program team meetings on October 15, 2025, and February 27, March 12, and April 22, 2026. At the PHC, Buckeye clarified it was also moving to continue the consolidated matters so that the parties could participate in mediation regarding the issue in Buckeye's complaint.

At the PHC, Student did not oppose Buckeye's motions to consolidate and continue the matters.

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 Buckeye offered Student a FAPE during the 2025-2026 school year at individualized education program team meetings on October 15, 2025, and February 27, March 12, and April 22, 2026. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the matters involve the same parties, witnesses, and documentary evidence. 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.) As a result, continuances are disfavored. 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).)

Buckeye's motion to continue the hearing demonstrates good cause for a continuance, based on a mutual desire by the parties to mediate the issue in Buckeye's complaint.

ORDER

1. Buckeye'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 2026080459, are vacated.
3. Buckeye's motion to continue is granted. Mediation shall be held August 27, 2026, from 9:00 AM to 4:30 PM. The PHC will be held September 25, 2026, at 1:00 PM. The Due Process Hearing in the consolidated cases will

be held on October 6, 7, and 8, 2026, beginning at 9:30 AM each day and continuing day to day as needed, at the discretion of the ALJ.

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 2026041031.

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. The assigned ALJ will check for messages before the hearing.

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. Buckeye's motion to dismiss two issues in Student's complaint will be addressed at the September 25, 2026 PHC.

IT IS SO ORDERED.

Cararea Lucier

Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings