

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

TUSTIN UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2026090104

OAH CASE NUMBER 2026060965

ORDER GRANTING MOTION TO CONSOLIDATE

SEPTEMBER 9, 2026

On June 18, 2026, Tustin Unified School District filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, in OAH case number 2026060965, Tustin's Case, naming Student.

On September 1, 2026, Student filed a complaint in OAH case number 2026090104, Student's Case, naming Tustin.

On September 1, 2026, Student filed a motion to consolidate the cases. On September 2, 2026, Tustin filed a statement of non-opposition to Student's motion.

A free appropriate public education is referred to as a FAPE. An individualized education program is referred to as an IEP.

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].)

Tustin's case addresses the appropriateness of its April 20, 2026 multidisciplinary assessments and assessment report and April 20, 2026 functional behavior assessment and assessment report. Student's case alleges Tustin failed to offer a FAPE at the IEP team meetings dated April 20, and May 7, 2026, based on the April 20, 2026 assessment reports.

Here, both cases involve a common question of law or fact, specifically, whether Tustin's assessments were appropriate and whether Tustin offered Student a FAPE based on these assessment reports. In addition, consolidation furthers the interests of judicial economy because the cases involve the same parties, witnesses, and documentary evidence. In addition, consolidation is unopposed. Accordingly, Student's request to consolidate is granted.

ORDER

1. Student's motion to consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Tustin's Case, OAH case number 2026060965, 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 the primary case, Student's Case, OAH case number 2026090104.

A handwritten signature in black ink that reads "Jeanie Min". The script is cursive and fluid.

Jeanie Min

Administrative Law Judge

Office of Administrative Hearings