

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
NEWPORT-MESA UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,
OAH CASE NUMBER 2026070184
OAH CASE NUMBER 2026090674

ORDER GRANTING MOTION TO CONSOLIDATE

SEPTEMBER 17, 2026

On July 2, 2026, the Newport-Mesa Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case Number 2026070184, Newport-Mesa's Case, naming Student.

On September 15, 2026, Student filed a Request for Due Process Hearing in OAH Case Number 2026090674, Student's Case, naming Newport-Mesa. On that same day Student also filed a motion to consolidate the two cases.

On September 16, 2026, Newport-Mesa filed a non-opposition to the motion to consolidate.

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 common questions of law and fact. Newport-Mesa's complaint seeks an order declaring its April 3, 2026 multidisciplinary assessment and assessment report appropriate. Student's complaint asserts that New-Port Mesa's current offer of a free appropriate public education was developed at individualized education program team meetings on April 14 and May 19, 2026, base on the same disputed multidisciplinary assessment and report, which Student contends were not appropriate. The two cases will therefore involve many of the same witnesses, documents, and issues. Consolidation will conserve the resources of the parties and OAH and avoid the prospect of inconsistent judgments. In addition, consolidation furthers the interests of judicial economy because it will resolve the parties' dispute in one hearing and decision rather than two. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH Case Number 2026090674, is designated as the Primary Case. All dates previously set in Newport-Mesa's Case, OAH Case Number 2026070184, 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 2026090674.

IT IS SO ORDERED.

Charles Marson

Charles Marson

Administrative Law Judge

Office of Administrative Hearings