

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTER OF:
PARENTS ON BEHALF OF STUDENT,

and.

CAPISTRANO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026090932

OAH CASE NUMBER 2026061140

ORDER FOLLOWING PREHEARING CONFERENCE FOR
HEARING BY VIDEOCONFERENCE, GRANTING MOTION TO
CONSOLIDATE

SEPTEMBER 29, 2026

On September 28, 2026, Administrative Law Judge Christine Arden, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Justin Shinnefield, Attorney at Law, appeared on behalf of Capistrano Unified School District, called Capistrano. Damian Fragoso, Attorney at Law, appeared on behalf

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

STUDENT'S MOTION TO CONSOLIDATE

On June 23, 2026, Capistrano filed with OAH a Request for Due Process Hearing in OAH case number 2026061140, called District's Case, naming Student. On September 23, 2026, Student filed a Request for Due Process Hearing in OAH case number 2026090932, called Student's Case, naming Capistrano. On September 23, 2026, Student filed with OAH a Motion to Consolidate Student's Case and District's Case. On September 25, 2026, Capistrano filed a document with OAH stating it does not object to Student's motion to consolidate as long as Student's Case is identified as the primary case in the consolidated matter, and all dates are vacated in District's Case to provide the parties time to participate in a mediation.

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, Student's Case alleges Capistrano failed to assess Student in all areas of suspected disability during the 2025-2026 school year. District's Case alleges that its February 5, 2026 assessment of Student is appropriate and legally compliant. Furthermore, Capistrano

does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because many of the same witnesses will be called to testify in both cases, and many of the same documents will be offered into evidence in both cases. Accordingly, consolidation 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 District's Case, OAH case number 202606061140, are vacated.
3. The consolidated matters shall proceed on the dates previously set for hearing in Student's Case, OAH case number 2026090932.
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 Primary Case, OAH case number 2026090932.

IT IS SO ORDERED.

Christine Arden

Christine Arden

Administrative Law Judge

Office of Administrative Hearings