BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

RIVERSIDE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2026070692

OAH CASE NUMBER 2026100034

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

On October 2, 2026, Administrative Law Judge, 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.

Attorney Bruce Bothwell appeared on behalf of Student. Attorney Jack Clarke appeared on behalf of Riverside Unified School District. Based upon discussion with the parties, the ALJ issues the following order:

MOTION TO CONSOLIDATE

On July 14, 2026, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2026070692, Student's Case, naming Riverside Unified School District.

On August 19, 2026, OAH granted the parties' joint request for mediation and continuance.

On September 29, 2026, Riverside filed a Request for Due Process Hearing in OAH case number 2026100034, Riverside's Case, naming Student.

On September 29, 2026, Riverside filed a Motion to Consolidate the cases and to continue the consolidated matter according to the dates set in Riverside's Case, OAH case number 2026100034.

On September 30, 2026, Student filed a 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, both cases involve a common question of law or fact, specifically, whether Student's April 14, 2026, individualized education program offers Student a free and

appropriate public education. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because consolidation avoids inconsistent rulings. Accordingly, consolidation is granted.

MOTION TO CONTINUE

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).)

Riverside established good cause for a continuance to give Student time to fully consider and respond to Riverside's request for due process. Accordingly, Riverside's motion to continue is granted. All issues for the consolidated cases will be discussed at the continued prehearing conference on October 19, 2026.

ORDER

1. Riverside's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Riverside's Case, OAH case number 2026100034, are vacated.
3. Riverside's Motion to Continue is granted. The Prehearing Conference in the consolidated cases shall be held on October 19, 2026, at 10:00 AM. The Due Process Hearing in the consolidated cases shall be held on October 27, 28, and 29, 2026, beginning at 9:30 AM on all days, continuing day to day as needed at the discretion of the Administrative Law Judge.

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 2026070692.

Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings