BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

PALO ALTO UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2026040750

OAH CASE NUMBER 2026030546

ORDER GRANTING STUDENT'S MOTION TO CONSOLIDATE, CONTINUING CASE TO DATES SET IN PALO ALTO'S CASE, AND DENYING PALO ALTO'S MOTION FOR RECONSIDERATION

MAY 6, 2026

On March 10, 2026, Palo Alto Unified School District, called Palo Alto, filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2026030546, Palo Alto's Case, naming Student.

On April 13, 2026, Student filed a Request for Due Process Hearing in OAH case number 2026040750, Student's Case, naming Palo Alto.

On April 30, 2026, Student filed a Motion to Consolidate the cases and to maintain the due process hearing date set in Palo Alto's case. The parties are scheduled for mediation on May 20, 2026. The prehearing conference is scheduled for June 8, 2026, at 1:00 PM. The due process hearing is set for June 16, through June 18, 2026.

On May 5, 2026, Palo Alto filed a notice of non-opposition to Student's motion to consolidate. Palo Alto also requested to continue the due process hearing.

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 no longer qualifies for special education and the appropriateness of September 2025 triennial psychoeducational assessment and the September 29, and October 21, 2025, IEPs. In addition, consolidation furthers the interests of judicial economy because the cases involve similar evidence and witnesses. Accordingly, consolidation is granted.

Student's case is deemed primary. The parties' joint request for mediation was previously granted. That mediation is currently scheduled on the eve of the prehearing conference in Student's case. The parties want to go forward with the mediation as scheduled. Accordingly, the case is continued to the dates previously set in Palo Alto's case.

RECONSIDERATION

Palo Alto requested to continue the due process hearing to August 25, through 27, 2026. The parties previously filed a joint request for mediation and continuance in Palo Alto's case on April 28, 2026. On April 29, 2026, the undersigned ALJ granted the request for mediation and continuance, but not for the length of time requested. Palo Alto seeks reconsideration of this decision and requests a prehearing conference date of June 6, 2026, and due process hearing dates of August 25, through 27, 2026.

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration. The party must seek reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See Baldwin v. Home Savings of America (1997) 59 Cal.App.4th 1192, 1199-1200.)

Palo Alto offers no new facts, circumstances, or law, to support reconsideration. Palo Alto states that it understands the order and OAH's 60-day limitation for the time between scheduling of the mediation and due process hearing but again requests the due process hearing be continued to August 25, through 27, 2026. Palo Alto repeats its argument that district employees will be on summer break. The fact that Palo Alto is on summer break during the scheduled due process hearing does not constitute good cause.

Palo Alto has not established that the April 29, 2026, order should be reconsidered. The motion for reconsideration is denied.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case number 2026040750 is designated as the primary case.
3. Student's request to maintain the hearing date in Palo Alto's Case number 2026030546 is granted. The consolidated matters are continued to the dates previously set for hearing in Palo Alto's Case, OAH case number 2026030546.
4. Palo Alto's motion for reconsideration of its request to continue the due process hearing is August is denied.
5. 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 2026040750.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (May 7, 2026 08:36:15 PDT)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings