BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

CUPERTINO UNION SCHOOL DISTRICT,

OAH CASE NUMBER 2025110210

OAH CASE NUMBER 2025110972

ORDER GRANTING MOTION TO CONSOLIDATE NON-EXPEDITED CLAIMS

JANUARY 13, 2026

On November 5, 2025, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2025110210, called Student's Case, naming Cupertino Union Unified School District, called Cupertino Union. Student's Case includes both expedited and non-expedited issues. Hearing commenced on the expedited issues on December 9, 2025 and is ongoing. Student's non-expedited issues are set for hearing on February 24, 25 and 26, 2026.

On November 21, 2025, Cupertino Union filed a Request for Due Process Hearing in OAH case number 2025110972, called District's Case, naming Student. District's Case is set for hearing on February 3, 4, and 5, 2026.

On January 5, 2025, Cupertino Union filed a Motion to Consolidate in both Student's Case and District's Case. Cupertino Union requested the two cases be consolidated and proceed on the dates for the hearing of Student's non-expedited issues.

On January 9, 2026, Student filed notice in Student's Case that Student opposed Cupertino Union's Motion to Consolidate, because consolidation would delay the hearing of Student's expedited issues.

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. In his complaint, Student alleges, among other things, that Cupertino Union denied Student a free appropriate public education by failing to assess Student in all areas of suspected disability, failing to offer Student an appropriate educational placement, and failing to provide Parent timely prior written notice in response to Parent's September 2024 request for independent educational evaluations. Student's claims are limited to claims

arising from Cupertino Unions alleged acts or omissions from April 11, 2025 to the filing of Student's complaint, based on an April 10, 2025 settlement agreement with Cupertino Union.

In its complaint, Cupertino Union alleges it completed an initial evaluation of Student in May 2025, which Parent objected to on October 17, 2025. Parent allegedly requested Cupertino Union fund independent educational evaluations in all areas of suspected disability assessed by Cupertino Union, on grounds the district failed to conduct any of its assessments appropriately. Cupertino Union's issue for hearing is whether its May 2025 initial evaluation of Student appropriately assessed Student in all areas of suspected disability. Cupertino Union would be expected to present witnesses and documents regarding how it identified areas to assess, and selected and conducted its assessments. Determining Student's issues regarding the Cupertino Union's alleged failure to assess Student in all areas of suspected disability, failure to offer an appropriate placement, and failure to respond to Student's request for independent assessments will involve many of the same witnesses, documents, and factual and legal questions.

Consolidation furthers the interests of judicial economy because the issues in the two cases regarding Cupertino Union's evaluation involve the same witnesses and documents, and consolidation will avoid duplicative presentation of evidence in two proceedings. Student objected to consolidation on grounds it would delay the hearing of Student's expedited issues. However, Cupertino Union's complaint does not raise any expedited issues, and therefore would be heard with Student's non-expedited issues. Consolidation would not delay the hearing of Student's expedited issues.

Accordingly, Cupertino Union's Motion to consolidate is granted.

ORDER

1. Cupertino Union's Motion to Consolidate is granted.
2. Student's Case, OAH case number 2025110210, is designated the primary case. All dates previously set in District's Case, OAH case number 2025110972, are vacated.
3. The consolidated cases will proceed on the dates for non-expedited issues set in Student's Case number 2025110210:

   NON-EXPEDITED PREHEARING CONFERENCE will be held February 13, 2026, at 10:00 PM.

   NON-EXPEDITED DUE PROCESS HEARING will be held February 24, 25, and 26, 2026.
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 Student's Case number 2025110210.

IT IS SO ORDERED.



Robert G. Martin

Administrative Law Judge

Office of Administrative Hearings