BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CUPERTINO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025110210

OAH CASE NUMBER 2026010399

# ORDER DENYING MOTION TO CONSOLIDATE

JANUARY 30, 2026

On November 5, 2025, Parent on behalf of Student filed a due process hearing request, OAH case number 2025110210, with the Office of Administrative Hearings, called OAH, naming Cupertino Unified School District as respondent. This is called Student's Case One, which concerns both expedited and non-expedited issues. Student's Case One was scheduled for both an expedited hearing and a non-expedited hearing. The expedited hearing was completed on January 22, 2026. The hearing on the non-expedited issues in Student's Case One is scheduled to begin on February 24, 2026.

On January 12, 2026, Parent filed a due process hearing request, OAH case number 2026010399, naming Cupertino Unified School District as respondent. This is called Student's Case Two, which also concerns both expedited and non-expedited issues. Student's Case Two was scheduled for both an expedited hearing and a non-expedited hearing. The expedited hearing in Student's Case Two had a prehearing conference on January 26, 2026. The expedited hearing in Student's Case Two is scheduled to begin on February 3, 2026. The hearing on the non-expedited issues in Student's Case Two is scheduled to begin on March 3, 2026

On January 28, 2026, Parent on behalf of Student filed a Motion to Consolidate the Student's Case One and Student's Case Two. Cupertino did not file a response.

## 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, Student seeks to consolidate Student's First Case and Student's Second because Student wants the allegations of both cases determined in the same hearing. However, OAH does not consolidate cases filed by the same party. Instead, Student should have filed a motion to amend the complaint.

Moreover, here, Student's First Case has already proceeded to hearing for the expedited portion of the case. The case is considered one case with an expedited

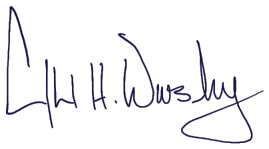
portion and a non-expedited portion. Accordingly, Student may not amend Student's Second Case to allege all issues in both cases as Student's First Case has already proceeded to hearing.

An amended complaint may be filed when either the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session; or the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five days prior to the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i).)

## ORDER

Student's Motion to Consolidate is denied.

## IT IS SO ORDERED.



Clifford H. Woosley
Administrative Law Judge
Office of Administrative Hearings