BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

SAN DIEGO UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2025090144

OAH CASE NUMBER 2025050402

ORDER GRANTING MOTION TO CONSOLIDATE AND DENYING MOTION TO CONTINUE AS MOOT

SEPTEMBER 8, 2025

On May 9, 2025, the San Diego Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2025050402, San Diego's Case, naming Student.

On September 3, 2025, Student filed a Request for Due Process Hearing in OAH case number 2025090144, Student's Case, naming San Diego. On September 3, 2025, Student also filed a motion to consolidate the two cases. On September 3, 2025, San Diego filed a non-opposition to the motion to consolidate. On September 4, 2025, San Diego filed a motion to continue if OAH chose not to consolidate the cases.

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, the adequacy and legality of San Diego's March 11, 2025, multidisciplinary assessment in the areas of psychoeducation, physical therapy, and occupational therapy. San Diego seeks an order finding the multidisciplinary assessment appropriate and legally compliant, while Student, in her case, alleges that the same assessment was inadequate and inappropriate, did not accurately portray Student's needs, and led to an inadequate IEP offer. San Diego does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the two cases will involve many of the same witnesses and documents. Consolidation will also prevent inconsistent judgments. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH number 2025090144, is designated as the primary case. All dates previously set in San Diego's Case, OAH case number 2025050402, are vacated.

3. 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 2025090144. That matter is now calendared for prehearing conference on October 13, 2025, at 3:00 p.m., and for due process hearing on October 21, 22, and 23, 2025. Those dates are confirmed.
4. San Diego's motion to continue the hearing is denied as moot.

IT IS SO ORDERED.

Charles Marson

Charles Marson
Administrative Law Judge
Office of Administrative Hearings