BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2025110803

OAH CASE NUMBER 2025120041

ORDER GRANTING MOTION TO CONSOLIDATE

DECEMBER 5, 2025

On November 17, 2025, Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2025110803, called Student's Case, naming Santa Monica-Malibu Unified School District.

On November 25, 2025, Santa Monica filed a Request for Due Process Hearing in OAH case number 2025120041, called Santa Monica's Case, naming Student.

On December 3, 2025, Santa Monica filed a motion to consolidate its case with Student's case. The motion to consolidate was made on the grounds that both cases involve common questions of law and fact and involve some of the same evidence and witnesses.

On December 4, 2025, Student filed an opposition to consolidation. Student also included a Motion to Dismiss Santa Monica's case in the opposition. A new motion cannot be raised in an opposition to another motion. Accordingly, Student's Motion to Dismiss is not addressed. Nothing in this order prevents Student from filing a Motion to Dismiss. Regarding consolidation, Student opposed asserting Student's case involves significantly more issues than Santa Monica's, a longer period of time, and different witnesses.

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 Santa Monica's October 10, 2025, psychoeducational assessment and September 2025, occupational therapy assessment are legally compliant and whether Student is entitled to independent educational evaluations. Although Student's complaint raises additional issues, consolidation furthers the interests of judicial economy because both cases involve some of the same witnesses and evidence. Additionally, it prevents inconsistent rulings on the duplicative issues raised in each case. Accordingly, consolidation is granted.

ORDER

1. Santa Monica's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Santa Monica's Case, OAH case number 2025120041, are vacated.
3. The prehearing conference and due process hearing in this consolidated matter shall be held on the dates currently scheduled in the Student's Case, OAH case number 2025110803.
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, OAH case number 2025110803.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings