BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENTS ON BEHALF OF STUDENT

AND

ETIWANDA SCHOOL DISTRICT.

OAH CASE NUMBER 2025090752

OAH CASE NUMBER 2026020539

# ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING MOTION TO CONSOLIDATE AND MOTION TO CONTINUE HEARING

FEBRUARY 13, 2026

On February 13, 2026, Administrative Law Judge Clifford H. Woosley, Office of Administrative Hearings, held a prehearing conference by videoconference, in OAH case number 2025090752. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Marymichelle Lotano appeared on behalf of Student. Attorney Sundee M. Johnson appeared on behalf of Etiwanda School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

## ETIWANDA'S MOTION TO CONSOLIDATE AND CONTINUE

The hearing in OAH case number 2025090752 is set for February 24, 25, and 26, 2026. On February 11, 2026, Etiwanda filed a notice of representation by new counsel, a due process request naming Student, a motion to consolidate this matter with its new complaint, and a motion to continue. On February 13, 2026, Student filed opposition to continuing the hearing. The parties addressed the consolidation and continuance during the PHC.

OAH case number 2025090752 is called Student's Case. Etiwanda's request for due process, OAH case number 2026020539, is called Etiwanda's Case.

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's Case and Etiwanda's Case arise out of common facts and issues related to the appropriateness of the Etiwanda's offer of placement and services during the 2025-2026 school year, as contained in the April 1, 2025, IEP. The testimony and evidence to be submitted pertaining to the April 1, 2025, IEP, as amended on August 25, 2025, and December 10, 2025, is expected to be the same, consisting of IEP documents,

any assessment reports and progress reports reviewed at the IEP meetings, and related correspondence. Accordingly, consolidation is granted.

Etiwanda also requested a short continuance. A due process hearing must be conducted, and a decision rendered, within 45 days of receipt of the due process notice, unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).)

Here, Etiwanda recently obtained new counsel, who requires time to prepare for hearing. Etiwanda has shown good cause for a short continuance.

## ORDER

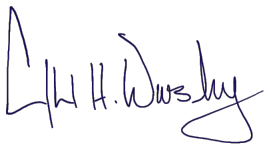
1. Etiwanda's Motion to Consolidate is granted.
2. Student's Case, OAH case number 2025090752, is designated as the primary case. All dates previously set in Etiwanda's Case, OAH case number 2026020539, are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in Student's Case, OAH case number 2025090752.
4. Etiwanda's Motion to Continue is granted.
5. The prehearing conference and due process hearing, as presently set in Student's Case, OAH case number 2025090752, are continued as follows:

   PREHEARING CONFERENCE: February 20, 2026, at 3:00 PM.

DUE PROCESS HEARING: March 3, 4, and 5, 2026.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure their availability to testify. Good cause for witness unavailability is not established by failing to properly notify or subpoena a witness. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with evidence of good cause why it was not possible to file the motion by that date.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings