BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025101198

ORDER DENYING MOTION TO CONSOLIDATE STUDENT'S TWO CASES

APRIL 9, 2026

On October 30, 2025, Student filed a request for due process with the Office of Administrative Hearings, called OAH, naming San Diego Unified School District. The hearing was originally scheduled for December 17 through 19, 2025. On March 25, 2026, after three continuances of the hearing, Student filed a motion to amend the complaint to add new claims. OAH denied Student's motion to amend by order dated April 3, 2026. The hearing is currently scheduled to begin on April 14 through 16, 2026.

On April 6, 2026, Student filed a motion to consolidate this case, OAH Case No. 2025101198 with another case filed by Student on April 6, 2026, OAH Case No. 2026040344. Student's case OAH Case No. 2025101198, filed on October 30, 2025,

is referred to as Student's Case No 1, and Student's case, OAH Case No. 2026040344, filed on April 6, 2026, is referred to as Student's Case No. 2.

On April 6, 2026, OAH held a prehearing conference in Student's Case No. 1. At the prehearing conference, Student's counsel explained that Student's Case No. 2 was filed because OAH denied the motion to amend the complaint in Student's Case No. 1. Student's counsel stated that the new claims which Student sought to add by the motion to amend are the same claims in Student's Case No. 2. In the motion to consolidate, Student argues that both cases involve "common questions of law and/or fact." Student also asserts that the claims in both cases concern the same 2025-2026 school year and will require some of the same witnesses to testify. Student asserts that he is not requesting a continuance of the hearing dates, but only that he be permitted to raise all claims for the 2025-2026 school year in one hearing. Student's Case No. 2 seeks to add claims regarding a February 26, 2026 individualized education program, which occurred four months after the filing of the original complaint.

At the April 6, 2026 prehearing conference, the ALJ stated that District would have the opportunity to file a written response, and that the ALJ would thereafter issue a ruling on Student's motion to consolidate.

On April 9, 2026, District filed its opposition to the motion to consolidate. District argues that the motion is untimely and Student failed to submit a declaration providing good cause for its untimely filing. District also argues that OAH should deny the motion because Student is just attempting to add the same issues through consolidation after OAH denied the motion to amend. It argues that by filing a separate action, Student has exercised his choice for two separate hearings. District maintains that consolidation would frustrate the usual prehearing procedures that apply to Student's Case No. 2,

including the procedures regarding a notice of insufficiency, responding to the complaint, the resolution session process, and the timely exchange of exhibits.

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].)

Student's motion to consolidate Student's Case No. 1 and Student's Case No. 2 is denied. Student's motion to consolidate is an improper attempt to circumvent the prior order dated April 3, 2026, denying Student's motion to amend.

Student cannot add claims to his complaint by filing a motion to consolidate Student's Case No. 1 with Student's Case No. 2. Filing a motion to amend is the correct procedure for a party to add claims to an existing pleading, not a motion to consolidate. OAH does not consolidate separate cases filed by the same party. Title 20 United States Code section 1415(o) entitles a student to file a separate due process complaint on an issue separate from a due process complaint already filed, entitling the student to separate hearings.

Given that Student's motion to amend was denied, Student had the option of dismissing Student's Case No. 1 and filing Student's Case No. 2 with all his claims included so they could be heard in one hearing. Having elected to file Student's Case No. 2, without including all his claims in it, Student made the election of having separate

hearings. OAH will not consolidate Student's two cases because Student has exercised his choice to two hearings. As already addressed in the April 3, 2026 Order Denying Motion to Amend, Student's claims of judicial economy are not persuasive considering all the other circumstances.

Nor is it persuasive that Student is not seeking a continuance of the hearing as part of his consolidation motion. As pointed out by District, the new claims necessitate a resolution session unless waived by both parties. District must also be given the opportunity to file a notice of insufficiency and time to serve and file its response to the new claims. The parties must also be given the opportunity to mediate the new claims and a prehearing conference needs to be held. The parties must be also given the opportunity to timely exchange any hearing exhibits and witness lists pertaining to the new claims. If consolidation was granted without continuing the hearing in Student's Case No. 1, none of these things could take place. In short, a continuance of that hearing would be required. However, as the April 3, 2026 Order detailed, Student has failed to establish good cause for delaying the hearing based on his desire to add new claims.

Student's Motion to Consolidate is denied.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings