

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LODI UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2026070329

ORDER DENYING MOTION TO CONSOLIDATE

AUGUST 28, 2026

On July 7, 2026, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2026070329, Student's Case, naming Lodi Unified School District. Student's case contained expedited and non-expedited claims. The expedited issues were heard on August 4, 5, and 6, 2026, and an expedited decision was issued on August 18, 2026.

On August 11, 2026, Student filed a motion to amend OAH case number 2026070329. The motion to amend was denied on August 17, 2026. As was explained to parties during the prehearing conference on August 17, 2026, Student's case 2026070329 is one case containing expedited and non-expedited claims. Student's attempt to add issues to a claim after evidence was taken, and now, after a decision issued is improper.

On August 24, 2026, Student filed a new case, OAH Case number 2026080822. Student's new case also contains expedited and non-expedited claims. On August 24, 2026, Student filed a motion to consolidate OAH case numbers 2026070329 and 2026080822. Student's motion further seeks to withdraw any expedited claims in Student's 2026080822 matter. This order will not address Student's motion to withdraw expedited claims in Student's 2026080822 matter. Lodi filed an opposition to Student's motion to consolidate on August 28, 2026.

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].)

Typically, OAH does not consolidate two cases filed by the same parties. The proper vehicle for a party is to file a Motion to Amend and a single amended complaint containing all of the parties' issues in a single complaint. Here, neither are appropriate. Student filed and proceeded to hearing on OAH case 2026070329 before seeking either an amendment or consolidation. As evidence has already been taken and a decision was issued on the expedited issue, absent Lodi's agreement to add issues, consolidation is not appropriate, even with the same parties and similar issues, when evidence has already been received.

Student, however, is not left without a remedy. The IDEA allows a parent to file a separate due process complaint on an issue separate from a due process complaint already filed. (20 U.S.C 1415 (o).) Student may proceed on its original case, OAH 2026070329 and under a separate timeline, in its new case OAH 2026080822.

Consolidation does not further the interests of judicial economy.

ORDER

Student's Motion to Consolidate is denied.

IT IS SO ORDERED.



Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings