

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

SAN MARINO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026080583

OAH CASE NUMBER 2026061313

ORDER GRANTING MOTION TO CONSOLIDATE AND
GRANTING MOTION TO CONTINUE

SEPTEMBER 1, 2026

On June 26, 2026, San Marino School District, called San Marino, filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2026061313, San Marino's Case, naming Parent on behalf of Student.

On August 14, 2026, Student filed a Request for Due Process Hearing in OAH case number 2026080583, Student's Case, naming San Marino.

On August 14, 2026, Student filed a Motion to Consolidate the cases. San Marino did not file a response to the motion. On July 2, 2026, the parties jointly filed a request

to schedule mediation and continue the due process hearing in San Marino's case. OAH granted the request on July 2, 2026. Mediation was set for September 3, 2026, and the due process hearing was continued to October 13, 14, and 15, 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].)

Here, both cases involve a common question of law or fact, specifically, whether Student was denied a FAPE for the 2025-2026 school year and Student's request for a Functional Behavior Assessment (FBA) Independent Education Evaluation (IEE). San Marino did not file an opposition. In addition, consolidation furthers the interests of judicial economy because the cases involve the same evidence and witnesses. Accordingly, consolidation is granted.

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).)

The parties previously filed a motion to continue the hearing in San Marino's case to mediate, which was granted for good cause. Continuance is granted so parties can mediate on previously agreed to date.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in San Marino's Case, OAH case number 2026061313 are vacated.
3. Motion to Continue is granted. Mediation in the consolidated cases shall be held on September 3, 2026, from 9:00 AM to 4:30 PM, unless cancelled by a party. The Prehearing Conference in the consolidated cases shall be held on October 2, 2026, at 1:00 PM, and the Due Process Hearing in the consolidated cases shall be held on October 13, through 15, 2026, beginning at 9:30 AM on all days, continuing day to day as needed at the discretion of the Administrative Law Judge.
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 2026080583.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Sep 1, 2026 13:03:00 PDT)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings