BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

ROSEDALE UNION SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025080212

ORDER DENYING MOTION TO CONSOLIDATE

OCTOBER 17, 2025

On August 1, 2025, the Rosedale Union School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2025080212, naming Student. On October 16, 2025, Student filed a Request for Due Process Hearing in OAH case number 2025100458, naming Rosedale.

On October 16, 2025, Student filed a motion to consolidate the two cases. On October 17, 2025, Rosedale filed an opposition to Student's motion to consolidate. Rosedale argued the motion was untimely as it was not filed three days before the prehearing conference. Additionally, the opposition included declarations from both of Rosedale's attorneys establishing that Student's motion had not been properly served on Rosedale. The declarations establish that Student sent an email to Rosedale claiming

the motion was attached, but in fact it was not attached and Rosedale has still not received the motion.

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 cannot be granted without proper service on Rosedale. The unsworn proof of service on the motion, as filed with OAH, states that it was served on Rosedale's attorneys by email. However, the very detailed declarations of Rosedale's attorneys persuasively show that Rosedale has not received the motion.

Student's Motion to Consolidate also fails because it is untimely. Rosedale filed its complaint on August 1, 2025. A prehearing conference was held on October 13, 2025. Any related motions were required to be filed three business days before the PHC. Student did not file any motion, did not appear at the PHC, and did not file the required declaration showing good cause for the late filing of Student's motion to consolidate.

ORDER

1. Student's Motion to Consolidate is denied. The due process hearing will proceed as scheduled on October 21, 2025.

Charles Marson

Charles Marson
Administrative Law Judge
Office of Administrative Hearings