BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN MARCOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025050365

ORDER DENYING MOTION TO CONSOLIDATE

MAY 15, 2025

On February 11, 2025, Parent on behalf of Student filed a request for a due process hearing, Student's Case No. 1, with the Office of Administrative Hearings, naming San Marcos Unified School District, OAH Case No. 2025020417. On April 28, 2025, Student and San Marcos Unified mediated Student's Case No. 1.

On May 8, 2025, Student filed a second request for a due process hearing, Student's Case No. 2, again naming San Marcos Unified, OAH Case No. 2025050365).

On May 9, 2025, Student filed a Motion requesting that OAH consolidate Student's Case No. 1 and Student's Case No. 2. On May 13, 2025, San Marcos Unified filed opposition to Student's request to consolidate, asserting that Student's Case No. 2, added facts regarding an April 15, 2025, IEP and an April 28, 2025, incident involving

Student after the filing of Student's Case No. 1. San Marcos Unified contends that if Student wishes to have both matters heard in one hearing, Student should seek permission to amend the complaint in Student's Case No. 1.

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 opposing 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].)

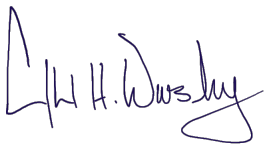
Here, Student seeks to consolidate Student's Case No. 1 and Student's Case No. 2, because Student wants the allegations of both cases determined in the same hearing. However, OAH does not consolidate cases filed by the same party. Instead, Student should file a motion to amend the complaint in Student's Case No. 1, OAH Case No. 2025020417, with a proposed amended complaint which includes the allegations and issues asserted in Student's Case No. 2, OAH Case No. 2025050365.

An amended complaint may be filed when either the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session; or the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five days prior to the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (*Id.* at § 1415(c)(2)(E)(ii).)

ORDER

1. Student's Motion to Consolidate is denied.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings