BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025010803

ORDER DENYING STUDENT'S MOTION TO CONSOLIDATE

FEBRUARY 10, 2025

On January 23, 2025, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings in case number 2025010803, called Student's Case, naming Downey Unified School District. The Office of Administrative Hearing is called OAH. Downey Unified School District is called Downey.

On February 6, 2025, Student filed a motion to consolidate Student's Case with several other cases pending before OAH relating to Student's siblings. The siblings' case numbers are 2025010797, 2025010785, and 2025010823. Student is not a party to the other cases. Student argues the cases should be consolidated because all cases concern children living in the same household as a blended family.

On February 7, 2025, Downey filed an objection to consolidation on the grounds each case involves different parties, issues, and witnesses. Downey further contends consolidation will not foster judicial economy because it will call different witnesses to testify in each of the four cases since the children are in different grades and some attend different schools.

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, Student's case and his siblings' cases in OAH case numbers 2025010797, 2025010785, and 2025010823, do not involve a common question of law or fact. Specifically, each complaint relates to a separate child and their unique needs. In

addition, consolidation does not further the interests of judicial economy because the cases will necessarily involve different documentary evidence and witnesses.

ORDER

Student's motion to consolidate is denied.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings