BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER INVOLVING:

PARENT ON BEHALF OF STUDENT,

v.

WASHINGTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024110089

# ORDER DENYING DISTRICT'S MOTION TO CONSOLIDATE STUDENT'S TWO REQUESTS FOR DUE PROCESS HEARING

NOVEMBER 25, 2024

On November 2, 2024, Student filed with the Office of Administrative Hearings, referred to as OAH, a request for due process hearing, referred to as a complaint, in case number 2024110089, naming Washington Unified District.

On November 12, 2024, Student filed a second complaint with OAH in case number 2024110310, naming Washington.

On November 18, 2024, Washington filed a motion to consolidate Student's two due process cases. On November 19, 2024, Student filed a response indicating they did not oppose the motion to consolidate.

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 first complaint alleges Washington denied Student a free and appropriate public education, called FAPE, by:

- failing to produce copies of Student's school records and hold a timely individualized education program, called an IEP, team meeting;
- failing to assess Student in all areas of suspected disability;
- failing to design and implement an IEP; and
- failing to protect Student from bullying.

Student's second complaint attempts to amend the first complaint by realleging the same facts in the first complaint, by alleging the appropriateness of a November 4, 2024 assessment, and by adding a safety plan to Student's proposed resolutions.

OAH does not combine two complaints by the same party. The proper procedure to correct or add new allegations to a complaint is for Student to file a motion to amend their original complaint and dismiss the superfluous complaint. Accordingly, the motion to consolidate is denied.

Accordingly, Washington Unified District's Motion to Consolidate is denied.

IT IS SO ORDERED.

Thanayi Lindsey
Thanayi Lindsey (Nov 26, 2024 10:23 PST)

Thanayi Lindsey
Administrative Law Judge
Office of Administrative Hearings