

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021080879

ORDER DENYING MOTION TO CONSOLIDATE

OCTOBER 26, 2021

On August 27, 2021, Student filed a Due Process Hearing Request, with the Office of Administrative Hearings, naming Pleasanton Unified School District, OAH case number 2021080879. This is referred to as Student's Case.

On August 27, 2021, Student's identical twin filed a Due Process Hearing Request, naming Pleasanton Unified, OAH case number 2021080878. This is referred to as the Twin's Case.

On October 20, 2021, Student filed a Motion to Consolidate Student's Case with the Twin's Case. On the same date, Student's Twin also filed in the Twin's Case a motion to consolidate the two cases.

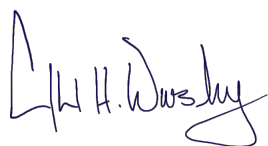
CONSOLIDATION

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, Student's Case and the Twin's Case do not involve the same parties. Though the cases may involve some of the same witnesses and similar issues, the petitioners are two different students. A student is entitled to an individualized education program which offers a free appropriate public education, based upon the student's unique needs. Students' identical twin status does not change the IDEA obligation to evaluate the sufficiency of their FAPE offers individually. Therefore, consolidation of two cases involving different students is inappropriate.

Student's Motion to Consolidate is denied.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley".

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings