

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENT ON BEHALF OF STUDENT

and

WESTMINSTER SCHOOL DISTRICT,
OAH CASE NUMBER 2024060893
OAH CASE NUMBER 2024040011

ORDER GRANTING MOTION TO CONSOLIDATE

JUNE 28, 2024

On March 29, 2024, Westminster School District filed a Request for Due Process Hearing in OAH case number 2024040011, naming Student. This is referred to as Westminster's Case.

On June 26, 2024, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2024060893, naming Westminster School District as respondent. This is referred to as Student's Case.

On June 27, 2024, Student filed a Motion to Consolidate Student's Case and Westminster's Case. On June 27, 2024, Westminster School District filed notice of non-opposition to Student's motion to consolidate.

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, both cases involve a common question of law or fact. Westminster's Case seeks an order allowing it to conduct triennial assessments proposed in its March 2024 assessment plan, without parental consent. Westminster School District is seeking to advance the triennial assessments and IEP meeting to evaluate if Student's February 21, 2024 IEP offers need to be updated. Student's Case asserts that Westminster School District's IEP offers, at the February 22, 2023, December 21, 2023, and February 21, 2024 IEP team meetings, failed to offer FAPE. Both cases therefore involve the February 2024 IEP team meeting and offer.

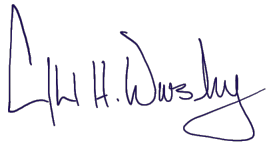
Consolidation furthers the interests of judicial economy because both cases involve some of the same witnesses and documentary evidence. Westminster School District does not oppose consolidation. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH Case No. 2024060893, is designated as the Primary Case.

3. All dates previously set in Westminster's Case, OAH case number 2024040011, are vacated.
4. The consolidated matters shall proceed on the dates set in the Student's Case, OAH Case No. 2024060893.
5. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in Primary Case, OAH Case No. 2024060893.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley". The signature is stylized with a large initial "C" and "W".

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings