BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT

V.

WASHINGTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023070720

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

AUGUST 08, 2023

On July 13, 2023, Student filed a request for due process hearing, with the Office of Administrative Hearings, OAH Case No. 2023070351, naming Washington Unified School District, called Student First Complaint.

On July 24, 2023, Student filed a request for due process hearing, naming Washington Unified, OAH Case No. 2023070720, which is called Student's Second Complaint.

On August 3, 2023, Student filed opposition, objecting to the consolidation of Student's two complaints.

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].)

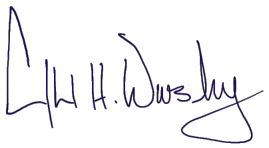
Here, Student's First Complaint challenges Washington Unified's denial of Parent's request to use previous settlement funds to purchase a computer for Student. Student's Second Complaint addresses issues arising from Student May 2023 IEP. Washington Unified has not demonstrated that these two issues involve the same witnesses and documentary evidence, which would warrant consolidation of Student's two cases.

If Student wishes to have both cases heard at the same time, Student could move to amend Student's First Complaint to add the allegations of Student's Second Complaint. However, Student opposes the consolidation, and intends to exercise his right to seek separate hearings on these two issues.

ORDER

1. Washington Unified School District's Motion to Consolidate is denied.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings