BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2020110250

and

ROCKLIN UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020120137

ORDER DENYING MOTION TO CONSOLIDATE

JANUARY 14, 2021

On November 9, 2020, Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing, OAH case number 2020110250, naming

Rocklin Unified School District, called Rocklin. On December 2, 2020, Rocklin filed a Request for Due Process Hearing, OAH case number 2020120137, naming Student. On December 10, 2020, OAH granted the parties' motion to consolidate OAH cases and designated Student's case, case number 2020110250 as primary.

On January 12, 2021, Student filed a motion to consolidate 2020110250, with another consolidated matter, OAH case called 2020110245. That consolidated matter involves a different student than the instant case. Rocklin did not file a response to Student's January 12, 2021, motion to consolidate.

STUDENT'S MOTION TO CONSOLIDATE IS DENIED.

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].)

Student requests consolidation of the two different consolidated matters because they involve siblings. Student contends the separate consolidated sibling cases involve similar facts, placement, and services and there will be substantial overlap in witness and documentary evidence required to prove both cases. Thus, judicial economy will be served.

Here, the sibling cases 2020110245 and 2020110250 neither involve the same parties nor similar issues. While both cases have an identical respondent, Rocklin, the petitioners are different. Further, both cases involve different individual education

programs for the separate students. And, while the siblings may have similar placement and services, this does not amount to similar issues or facts. The main purposes of the Individuals with Disabilities Education Act, referred to as the IDEA, are to ensure:

- all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living, and
- the rights of children with disabilities and their parents are protected. (20 U.S.C. § 1400(d)(1); See Ed. Code, § 56000, subd. (a).)

As such, specific and individual findings of fact and conclusions of law are determined for each petitioner in a due process hearing decision. Thus, consolidating these matters does not serve judicial economy. Further, allowing two separate petitioners to consolidate matters with a common respondent gives short shrift to the IDEA's mission of treating students as individuals with distinctive needs. Accordingly, Student's motion to consolidate is denied.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings