BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025010797

ORDER DENYING MOTION TO CONSOLIDATE

FEBRUARY 7, 2025

On January 23, 2025, Student filed a Request for Due Process Hearing in case number 2025010797, naming Downey Unified School District, called Student's Case, with the Office of Administrative Hearings, called OAH. On February 6, 2025, Student filed a Motion to Consolidate Student's Case with OAH case numbers 2025010803, 2025010785, and 2025010823, referred to collectively as the Other Petitioners' Cases. Student is not a party to the Other Petitioners' Cases. The respondent is Downey Unified School District in Student's Case and in the Other Petitioners' Cases. Student contends Student's Case should be consolidated with the Other Petitioners' Cases because all four cases concern children living in the same household as a blended family.

Downey Unified School District filed its opposition to the motion to consolidate on February 7, 2025. Downey Unified School District contends the motion to consolidate should be denied because there is no similarity between the issues pled in the four cases. Moreover, Downey Unified School District further argues consolidation would not foster judicial economy because it will call different witnesses to testify in each of the four cases since the children named as petitioners are all in different grades, and some attend different schools.

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 Other Petitioners' Cases each concern different children named as petitioners. Moreover, Student's Case and the Other Petitioners' Cases do not involve common questions of fact since each child has a unique profile, history, and needs. Due to the individualized nature of cases brought under the Individuals with Disabilities Education Act, called the IDEA, OAH does not consolidate cases brought on behalf of multiple children. In addition, consolidation does not further the interests of judicial economy because Student's Case and the Other Petitioners' Cases are likely to involve different documentary evidence and witness testimony.

ORDER

Student's Motion to Consolidate is denied.

Christine Arden

Christine Arden

Administrative Law Judge

Office of Administrative Hearings