BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

ANAHEIM ELEMENTARY SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2020090678

ORDER DENYING MOTION TO CONSOLIDATE AND DENYING MOTION TO CONTINUE

OCTOBER 26, 2020

On September 21, 2020, Anaheim Elementary School District filed with the Office of Administrative Hearings a Request for Due Process Hearing, called a complaint, in OAH case number 2020090678, First Case, naming Student.

On October 21, 2020, Parents on behalf of Student filed a complaint in OAH case number 2020100711, Second Case, naming Anaheim Elementary.

On October 26, 2020, Student filed a Motion to Consolidate First Case with Second Case and to continue the due process hearing.

On October 26, 2020, Anaheim Elementary filed an objection to consolidation on the ground that the motion was untimely.

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].)

Student's motion to consolidate is untimely as the hearing for the First Case, OAH case number 2020090678 is scheduled to begin in less than one business day, on October 27, 2020. Consolidation of the two Cases on the eve of the due process

hearing, with the parties having prepared for hearing, would not further the interest of judicial economy. Accordingly, the motion to consolidate is denied, and the request to continue the consolidated cases is denied as moot.

ORDER

1. Student's Motion to Consolidate is denied.
2. Student's request to continue the requested consolidated cases is denied as moot.

DocuSigned by:
Rommel P. Cruz
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Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings