BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020120240

ORDER DENYING MOTION TO CONSOLIDATE AND DETERMINING MOTION TO BIFURCATE AS MOOT

DECEMBER 9, 2020

On October 14, 2020, Oakland Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2020100428, District's Case, naming Student.

On December 7, 2020, Student filed a Request for Due Process Hearing in OAH case number 2020120240, Student's Case, naming Oakland.

On December 7, 2020, Student filed a Motion to Consolidate District's Case with Student's Case.

On December 7, Student filed a motion to bifurcate District's Case's sole issue, in the event consolidation is granted.

On December 9, 2020, Oakland filed an objection to consolidation on the ground that consolidation would not serve the interest of judicial economy and would result in prejudice to Oakland by delaying the resolution of their case. On December 9, 2020, Student filed a response to Oakland's opposition.

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, District's Case involves the sole issue of whether Oakland may assess Student pursuant to the assessment plan dated August 20, 2020, without Parent's consent. Student's case involves multiple issues, none of which include the appropriateness of Oakland's proposal to assess pursuant to the August 20, 2020 assessment plan. Although Student's case does include assessment related issues, they relate to allegations that Oakland failed to assess Student's suspected disabilities during multiple school years. Student's Case also includes an issue alleging that Oakland failed to file for due process when Parent refused to sign an assessment plan in April 2020. Student's Case and District's Case do not involve common legal issues. To the contrary, District's Case and Student's Case involve different legal issues, a different time period,

and will likely require different documentary evidence. Accordingly, consolidation does not further the interests of judicial economy. This conclusion is further evidenced by Student's request to bifurcate Oakland's issue, should consolidation be granted. Having denied Student's motion to consolidate, Student's motion to bifurcate is moot.

ORDER

1. Student's Motion to Consolidate is denied.
2. Student's Motion to Bifurcate is moot.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings