BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

SEQUOIA UNION HIGH SCHOOL DISTRICT,

OAH CASE NUMBER 2023110714

OAH CASE NUMBER 2024010672

ORDER GRANTING MOTION TO CONSOLIDATE

JANUARY 30, 2024

On October 5, 2023, Sequoia Union High School District, called Sequoia, filed with the Office of Administrative Hearings, called OAH, a request for due process hearing in OAH case number 2023100171 naming Student. OAH case number 2023100171 will be called Sequoia's first case.

On November 21, 2023, Parent on behalf of Student filed with OAH a request for due process hearing in OAH case number 2023110714 naming Sequoia. OAH case number 2023110714, called Student's case, was designated as a dual case, meaning that it would be decided in two hearings, both an expedited hearing and a non-expedited hearing.

On November 21, 2023, Student filed a motion to consolidate Student's case with Sequoia's first case. However, Sequoia withdrew its first case on December 5, 2023.

The expedited issues in Student's case were heard on December 19 through 21, 2023. The Expedited Decision in Student's case was issued on January 5, 2024. On December 29, 2023, Student was granted leave to file an amended complaint in Student's case on Student's non-expedited issues. The non-expedited hearing in Student's case is scheduled to begin on February 13, 2024.

On January 19, 2024, Sequoia refiled its due process hearing request naming Student, in OAH case number 2024010672. OAH case number 2024010672 will be called Sequoia's current case. The hearing in Sequoia's current case is scheduled to begin on February 13, 2024.

On January 19, 2024, Sequoia filed a motion to consolidate Student's case with Sequoia's current case. No opposition was received from Student.

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, both cases involve a common question of law or fact, specifically, whether the October 2021 psychoeducational assessment of Student was appropriate, and whether the December 8, 2023, individualized education program offered Student a free appropriate public education. In addition, consolidation furthers the interests of judicial

economy because the same witnesses and evidence will be presented in both cases. Consolidation will avoid the duplication of time, expense, and resources involved in having these matters proceed to hearing separately and avoid the possibility of conflicting results. Accordingly, consolidation is granted.

1. Sequoia's motion to consolidate is granted.
2. Student's case, OAH case number 2023110714, is designated as the primary case. All dates previously set in Sequoia's current case, OAH case number 2024010672, are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in Student's case, OAH case number 2023110714.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings