BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING

PARENT ON BEHALF OF STUDENT

and

ANAHEIM UNION HIGH SCHOOL DISTRICT,

OAH PRIMARY CASE NUMBER 2024100368

OAH SECONDARY CASE NUMBER 2025010603

ORDER FOLLOWING PREHEARING CONFERENCE AND ORDER GRANTING REQUEST FOR CONSOLIDATION

JANUARY 31, 2025

On January 31, 2025, Administrative Law Judge Chris Butchko, Office of Administrative Hearings held a telephonic prehearing conference. The Administrative Law Judge will be referred to as an ALJ. The prehearing conference will be referred to as a PHC. Bran Sciacca, Attorney at Law, appeared on behalf of Student. Amy Rogers, Attorney at Law, appeared on behalf of Anaheim Union High Schol District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

MOTION TO CONSOLIDATE

On January 22, 2025, Anaheim filed a motion to consolidate matter 2024100368 (Student's case) with newly-filed action 2025010603 (Anaheim's case). On January 24, 2025, Student filed in opposition to the motion, but at the PHC Student withdrew his opposition to the motion.

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; 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 and Student's Case involve common questions of law or fact, specifically, Student's need for special education services as determined by Anaheim's July 30, 2024 multidisciplinary psychoeducational assessment. Student withdrew his opposition the motion and did not oppose the motion at the PHC. Consolidation will further the interests of judicial economy by resolving both actions in one hearing, preserving judicial resources and the time of the parties and witnesses. Accordingly, consolidation is granted.

SETTLEMENT

The parties shall immediately inform OAH in writing if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If the parties reach a settlement within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

If a full and final written settlement agreement is reached after 5:00 PM the day before the hearing, the parties shall leave a voicemail message regarding the settlement at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH at https://www.applications.dgs.ca.gov/oah/oahsftweb.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

FAILURE TO COMPLY

Failure to comply with this order may result in the exclusion of evidence or other sanctions.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2024100368 (Student's case) are vacated. The consolidated case will be continued to the dates set in OAH Case Number 2025010603 (Anaheim's case). The PHC in the consolidated case will be held at 3:00 PM on Monday, February 3, 2025.

Hearing will take place on Tuesday, February 11, 2025, through Thursday, February 13, 2025.

3. OAH Case Number 2024100368 (Student's case) is designated as the primary case. All future filings in the consolidated matter shall be made under that case number.
4. 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 OAH Case Number 2024100368 (Student's case).

IT IS SO ORDERED.

Chris Butchko

Chris Butchko
Administrative Law Judge
Office of Administrative Hearings