BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT

AND

LOS ALAMITOS UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2025020084

OAH CASE NUMBER 2024120612

ORDER GRANTING MOTION TO CONSOLIDATE

FEBRUARY 10, 2025

On December 18, 2024, Los Alamitos Unified School District filed a Request for Due Process Hearing in OAH case number 2024120612, naming Student. This is referred to as Los Alamitos' Case.

On February 3, 2025, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2025020084, naming, Los Alamitos Unified School District as respondent. This is referred to as Student's Case.

On February 3, 2025, Student filed a Motion to Consolidate Student's Case and Los Alamitos' Case. On February 5, 2025, Los Alamitos filed opposition to Student's

motion to consolidate the cases. Student filed a response to the opposition on February 6, 2025.

DISCUSSION

Los Alamitos opposes consolidation, asserting that consolidation will delay resolution of a longstanding impasse with Parents regarding Student's program, to the detriment of Student. Parents filed two prior due process requests, which asserted that Los Alamitos had not offered Student a FAPE since 2022. Los Alamitos states that Parents dismissed both cases shortly before hearing, without prejudice, for purposes of delaying resolution and maintaining "stay put." Los Alamitos maintains that granting consolidation will delay hearing on Los Alamitos' complaint, while Student remains in a program where Student is not making progress and not receiving FAPE.

The two prior due process matters, filed by Parents, were each consolidated with due process requests filed by Los Alamitos. Los Alamitos' consolidated complaints were for purposes of defending its assessments and did not allege the FAPE sufficiency of Los Alamitos' program.

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].)

The question is whether these two matters meet the commonly accepted criteria for consolidation. Here, both cases involve common questions of law or fact. Los Alamitos' Case seeks a determination that its September 10, 2024, annual IEP, developed over five IEP team meetings through November 18, 2024, offered Student a FAPE, such that Los Alamitos may implement the IEP without Parents' consent. Student's Case asserts that Los Alamitos failed to offer and provide a FAPE to Student from about February 3, 2023, through the 2024-2025 school year. Student's Case includes claims that Los Alamitos did not provide a FAPE during the same time period, which is the basis of Los Alamitos' Case.

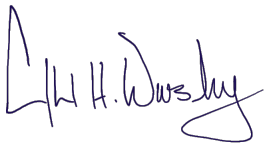
Consolidation furthers the interests of judicial economy because both cases involve the same witnesses and documentary evidence and prevents inconsistent rulings. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH Case No. 2025020084, is designated as the Primary Case.
3. All dates previously set in Los Alamitos' Case, OAH case number 2024120612, are vacated.
4. The consolidated matters shall proceed on the dates set in the Student's Case, OAH Case No. 2025020084.

5. 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 Primary Case, OAH Case No. 2025020084.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings