

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

and

OCEANSIDE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021100190

ORDER DENYING MOTION TO CONSOLIDATE

DECEMBER 6, 2021

On October 7, 2021, Parents on behalf of Student filed with the Office of Administrative Hearings a request for due process hearing in OAH case number 2021100190, Student's case, naming Oceanside Unified School District. By Order dated November 16, 2021, a continuance in Student's case was granted at the joint request of the parties.

On November 24, 2021, Oceanside filed a request for due process hearing in OAH case number 2021110712, Oceanside's case, naming Student.

On November 30, 2021, Oceanside filed a request to consolidate Student's case and Oceanside's case, and to have the consolidated matters heard on the dates set in the November 16, 2021 Order. No response has been 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, the cases do not contain a common question of law or fact. Specifically, Student's case alleges that Oceanside did not offer sufficient academic and speech services to meet Student's needs in the individualized education programs of October 7, 2019 and September 17, 2020. Oceanside seeks an order that its September 2021 psychoeducational assessment was appropriate. Student seeks independent educational evaluations as remedies, and whether Student will be awarded independent evaluations as a remedy for Oceanside's alleged failure to offer a free appropriate public education is not related to whether Oceanside's 2021 assessment was appropriate.

In addition, consolidation does not further the interests of judicial economy because the overlap of evidence and witnesses is minimal, and there is no possibility of conflicting rulings.

Accordingly, Oceanside's motion to consolidate is denied.

IT IS SO ORDERED.

Alexa Hohensee

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Administrative Law Judge

Office of Administrative Hearings