

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENT ON BEHALF OF STUDENT,

and

WHITTIER UNION HIGH SCHOOL DISTRICT,
OAH CASE NUMBER 2021120137
OAH CASE NUMBER 2022010483

ORDER GRANTING MOTION TO CONSOLIDATE

JANUARY 31, 2022

On December 3, 2021, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021120137, Student's Case, naming Whittier Union High School District. On December 17, 2021, OAH granted the parties' continuance request in Student's Case. On January 19, 2022, Whittier filed a Request for Due Process Hearing in OAH case number 2022010483, Whittier's Case, naming Student. On January 31, 2022, the parties jointly filed a Motion to Consolidate the cases and maintain the dates previously scheduled in Student's Case.

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, both cases involve a common question of law or fact, specifically the timeliness and appropriateness of Whittier's November 2020 multidisciplinary assessment report. In addition, consolidation furthers the interests of judicial economy because many of the same witnesses will testify and much of the same evidence will be presented in both cases. Accordingly, consolidation is granted.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Whittier's Case, OAH case number 2022010483, 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 Primary Case, OAH case number 2021120137.

Linda Johnson

Linda Johnson

Administrative Law Judge

Office of Administrative Hearings