

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

and

HUNTINGTON BEACH CITY SCHOOL DISTRICT,
OAH CASE NUMBER 2022020751
OAH CASE NUMBER 2021110216

ORDER GRANTING MOTION TO CONSOLIDATE

FEBRUARY 24, 2022

On November 8, 2021, Huntington Beach City School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case Number 2021110216, naming Student. On December 27, 2021, OAH granted Huntington Beach City School District's motion to amend its complaint, and to continue the hearing so the parties could participate in mediation, which occurred on January 7, 2022.

On February 22, 2022, Student filed a Request for Due Process Hearing in OAH 2022020751, naming Huntington Beach City School District.

On February 22, 2022, Student filed a Motion to Consolidate the cases.

On February 24, 2022, Huntington Beach City School District filed a Notice of Non-objection to the consolidation of cases.

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 regarding the sufficiency of assessments and the March 17, 2021 offer of a free appropriate public education. Huntington Beach City School District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both complaints require the same issues of fact and same witnesses. Accordingly, consolidation is granted. As OAH previously continued Huntington Beach City School District's case, any subsequent continuance request must establish good cause by way of declaration.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case in OAH Case Number 2022020751 is designated as the primary case. All dates previously set in Huntington Beach City School District's Case, OAH Case Number 2021110216, 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 2022020751.

IT IS SO ORDERED.

Judith Pasewark

Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings