

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

and

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT,
OAH CASE NUMBER 2021110381
OAH CASE NUMBER 2022030476

ORDER GRANTING MOTION TO CONSOLIDATE

MARCH 17, 2022

On November 12, 2021, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021110381, Student's Case, naming William S. Hart Union High School District.

On March 15, 2022, William S. Hart Union High School District filed a Request for Due Process Hearing in OAH case number 2022030476, William S. Hart's Case, naming Student.

On March 15, 2022, William S. Hart filed a Motion to Consolidate the cases. On March 15, 2022, Student filed a non-opposition to the motion, and requested that OAH reset the hearing dates.

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].)

While Student's and William S. Hart's Cases involve different individualized education programs, known as IEPs, both cases involve a common question of law or fact, specifically, regarding Student's unique needs and whether her requires a placement at a non-public school or public school. In addition, consolidation furthers the interests of judicial economy because of the overlap of witnesses and factual and legal issues. Accordingly, consolidation is granted.

CONTINUANCE

A due process hearing must be conducted, and a decision rendered, within 45 days of receipt of the due process notice, unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).)

Student's motion to continue the hearing fails to demonstrate good cause for a continuance, based on the overlap of factual and legal issues in both cases that warrant consolidation. Further, Student did not indicate the dates OAH should reset the hearing

dates to. Therefore, the continuance request is denied without prejudice if the parties wish to submit a joint continuance request that includes requested dates and establishes good cause by way of declaration.

ORDER

1. William S. Hart's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in William S. Hart's Case, OAH case number 2022030476, are vacated.
3. Student's Motion to Continue is denied. The consolidated matters shall proceed on the dates previously set for hearing in the Student's Case, OAH case number 2021110381.
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 Primary Case, OAH case number 2021110381.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo
Presiding Administrative Law Judge
Office of Administrative Hearings