

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 2024090250

OAH CASE NUMBER 2024100307

ORDER GRANTING MOTION TO CONSOLIDATE

OCTOBER 18, 2024

On September 6, 2024, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case Number 2024090250, Student's case, naming Los Alamitos Unified School District.

On October 8, 2024, Los Alamitos Unified filed a Request for Due Process Hearing in OAH Case Number 2024110307, Los Alamitos Unified's case, naming Student.

On October 8, 2024, Los Alamitos Unified filed a Motion to Consolidate the cases and to vacate the due process hearing date set in Los Alamitos Unified's case, OAH Case Number 2024110307.

On October 11, 2024, Student filed a Notice of Non-objection to consolidation on condition the due process hearing dates remain as scheduled in Student's case, OAH Case Number 2024090250.

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 common questions of law, and facts related to the validity of school district assessments. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases involve the same legal issues, witnesses and documents. Accordingly, consolidation is granted.

1. Los Alamitos Unified's Motion to Consolidate is granted.
2. Student's case is designated as the primary case. All dates previously set in Los Alamitos Unified's case, OAH Case Number 2024100307, are vacated.
3. Mediation in the above-captioned case shall be held on November 4, 2024, at 1:30 pm., the Prehearing Conference in the consolidated cases shall be held on November 15, 2024, at 1:00 pm., and the Due Process Hearing in the consolidated cases shall be held on December 3, 4, and 5, 2024,

beginning at 9:30 AM on all days, continuing day to day as needed at the discretion of the Administrative Law Judge.

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 2024090250.

IT IS SO ORDERED.



Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings