

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ESCONDIDO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2024100609

ORDER DENYING MOTION TO CONSOLIDATE

OCTOBER 23, 2024

On October 4, 2024, Escondido Union School District, called Escondido, filed with the Office of Administrative Hearings a Request for Expedited and Non-Expedited Due Process Hearing in OAH case number 2024100187, Escondido's Case, naming Student. Escondido's expedited due process hearing is scheduled to begin October 29, 2024.

On October 16, 2024, Student filed a Request for Due Process Hearing in OAH case number 2024100609, Student's Case, naming Escondido.

On October 17, 2024, Student filed a Motion to Consolidate the cases.

On October 21, 2024, Escondido filed an objection to consolidation on the ground that Student's Case and Escondido's Case did not involve the same set of facts or law.

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].)

However, OAH will not consolidate an expedited case with another non-expedited case. Student may refile the motion once the expedited Decision has been issued in Escondido's Case.

ORDER

Student's Motion to Consolidate is denied.

IT IS SO ORDERED.

Deborah Myers Cregar

Deborah Myers-Cregar

Administrative Law Judge

Office of Administrative Hearings