BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

V.

ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT, COMPTON UNIFIED SCHOOL DISTRICT, KERN HIGH SCHOOL DISTRICT, LOS ANGELES COUNTY OFFICE OF EDUCATION, LOS ANGELES UNIFIED SCHOOL DISTRICT AND ALAIN LEROY LOCKE COLLEGE ACADEMY.

OAH CASE NUMBER 2020060630

ORDER DENYING MOTION TO CONSOLIDATE

NOVEMBER 4, 2020

On July 18, 2020, Student filed a due process complaint with the Office of Administrative Hearings against educational agencies including some of the above-named parties, called the First Case. The Office of Administrative Hearings is called OAH. On August 31, 2020, OAH granted Student's motion to amend the complaint against the above-named parties. On October 16, 2020, OAH denied Student's second motion to amend the complaint to add a new party, ABC Unified School District

concerning allegations from a September 2020 individualized education program offer, a different time frame than the time frame concerning the six other educational agencies in this case. ABC Unified School District is called ABC. An individualized education program is called an IEP.

On October 20, 2020, Student filed another due process complaint with OAH naming ABC, Los Angeles Unified School District, and Alain Leroy Locke Preparatory Academy regarding the same allegations from a September 2020 IEP offer that was in Student's proposed second amended complaint, called the Second Case.

On November 2, 2020, Student filed with OAH a motion to consolidate the First Case with the Second Case and requested that OAH vacate the hearing dates in the First Case. On November 3, 2020, Kern High School District, called Kern, opposed the motion to consolidate on the grounds of the party and claims in the Second Case were unrelated to the First Case and no judicial economy could be had by consolidating the two cases. Further, Kern argued that the reasons for this consolidation had already been considered and decided by the Administrative Law Judge, called an ALJ, when she denied Student's second motion to amend the complaint at the October 16, 2020 PHC.

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].)

Student's motion to consolidate is an end run around the ALJ's denial of Student's second motion to amend the complaint at the October 16, 2020 PHC. The First Case and Second Case do not involve a common question of law or fact. The Second Case deals with a different time frame and IEP offer, and consolidation does not further the interests of judicial economy. These reasons were already set forth in the October 16, 2020 Order Following PHC when the ALJ denied Student's second motion to amend the complaint. Student's motion to consolidate is frivolous and a blatant disregard for the ALJ's denial of Student's second motion to amend the complaint at the October 16, 2020 PHC. Further, the motion to consolidate is a disguised motion for reconsideration of Student's second motion to amend the complaint and a hearing continuance request without meeting the requisite legal standards for either motion. Therefore, Student's motion to consolidate and accompanying request to vacate the hearing date in the First Case is denied.

ORDER

1. Student's Motion to Consolidate and the request to vacate hearing dates in this matter is denied.

IT IS SO ORDERED.

Sabrina Kong
Sabrina Kong (Nov 4, 2020 08:21 PST)

Sabrina Kong
Administrative Law Judge
Office of Administrative Hearings