BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTERS OF:

PARENTS ON BEHALF OF STUDENT,

AND

ESCONDIDO UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024020654

OAH CASE NUMBER 2023110872

ORDER GRANTING MOTION TO CONSOLIDATE

FEBRUARY 22, 2024

On November 20, 2023, Excondido Union High School District filed a Request for Due Process Hearing in OAH case number 2023110872, naming Student. This is referred to as Escondido Union's Case.

On February 20, 2024, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2024020654, naming Escondido Union High School District. This is referred to as Student's Case.

On February 20, 2024, Student filed a Motion to Consolidate Student's Case and Escondido Union's Case. On February 22, 2024, Escondido Union filed notice of non-opposition to Student's motion to consolidate.

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].)

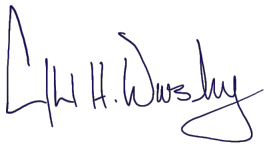
Here, both cases involve a common question of law or fact. The Student filed on two issues that are in Escondido Union's Case, and the other four issues are related to the Escondido Union's assessments and offer of FAPE. Consolidation furthers the interests of judicial economy because both cases involve the same witnesses and documentary evidence. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH Case No. 2024020654, is designated as the Primary Case.
3. All dates previously set in Escondido Union's Case, OAH case number 2023110872, are vacated.
4. The consolidated matters shall proceed on the dates previously set for hearing in the Student's Case, OAH Case No. 2024020654.

5. 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 No. 2024020654.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings