BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2021110193

ORDER DENYING MOTION TO CONSOLIDATE AND CONTINUE

MAY 4, 2022

On November 5, 2021, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 202110193, naming William S. Hart Union High School District. As currently amended and continued, and following the withdrawal of certain issues via Student's prehearing conference statement filed on April 26, 2022, this case concerns only the appropriateness of assessments memorialized in an assessment report dated November 7, 2019, approximately two and one-half years ago. The withdrawn issues concerned placement and services during the 2020-21 and 2021-22 school years. The case is set for hearing on May 10, 11 and 12, 2022 and , as ordered below, will proceed as scheduled.

On April 26, 2022, the same date as Student's prehearing conference statement withdrawing issues from 202110193, Student filed a Request for Due Process Hearing in OAH case number 2022040887, also naming William S. Hart. Student's second case restated and updated the issues that concerned placement and services during the 2020-21 and 2021-22 school years. OAH case number 2022040887 is currently set for hearing on June 14-16, 2022.

On May 3, 2022, the parties filed a joint motion to consolidate the cases and continue them such that they would proceed to hearing in October, 2022.

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, except for the overlapping parties, Student's two cases do not involve a common question of law or fact. Specifically, OAH case number 2021110193 concerns only the appropriateness assessments memorialized in a report dated November 7, 2019. Conversely, OAH case number 2022040887 concerns placement and services in the 2020-21 and 2021-22 school years. In addition, OAH case number 2021110193 has been on file since November 5, 2021. Consolidation does not further the interests of judicial economy because the case is already six months old and concerns events that are now two and one-half years past.

ORDER

1. The Motion to Consolidate is denied.
2. The Motion to Continue is denied.
3. OAH Case number 2021110193 will proceed as scheduled. No further continuances will be granted absent extraordinary cause.
4. Unless otherwise ordered, OAH Case number 2022040887 will proceed as scheduled

IT IS SO ORDERED.

June Lehrman

June Lehrman

Administrative Law Judge

Office of Administrative Hearings