

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT, HUNTINGTON BEACH CITY SCHOOL DISTRICT.	OAH CASE NO. 2013100097
HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2014010095 ORDER GRANTING MOTION TO CONSOLIDATE

On September 30, 2013, Student’s parent on behalf of Student filed a request for a due process hearing in Office of Administrative Hearings (OAH) case number 2013100097 (First Case), naming the Huntington Beach Union High School District (High School District), the Huntington Beach City School District (Elementary School District) and the West Orange County Consortium for Special Education (SELPA). On December 24, 2013, OAH issued an order dismissing the SELPA from the action.

On January 2, 2014, the High School District filed a request for a due process hearing in OAH case number 2014010095 (Second Case), naming Student and Student’s parent.

On January 7, 2014, the High School District filed a Motion to Consolidate the First Case with the Second Case. No party has filed an opposition to the motion.

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; 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, the First Case and Second Case involve a common question of law or fact, specifically, whether the District offered Student a free appropriate public education for the 2013-2014 school year. Consolidation furthers the interests of judicial economy because it will prevent witnesses from having to testify in two different hearings on the same topics and will avoid the possibility of inconsistent verdicts. The High School District believes that the current hearing dates set in the First Case will be sufficient for the consolidated hearing.

ORDER

1. The High School District's Motion to Consolidate is granted. The First Case and Second Case are hereby consolidated.
2. All dates previously set in OAH Case Number 2014010095 [Second Case] are vacated.
3. The dates in the First Case will remain on calendar as previously set. Those dates will be the dates for the consolidated cases, unless otherwise ordered.¹
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 OAH Case Number 2013100097 [First Case].

Dated: January 24, 2014

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings

¹ The District explained in its moving papers that the District office is closed on the first day of hearing (February 10, 2014), and requests that the hearing start the next day. That request will be addressed during the telephonic prehearing conference. There is no need to address it as part of this motion.