BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

GUADALUPE UNION SCHOOL DISTRICT,

OAH CASE NUMBER 2021010198

and

GUADALUPE UNION SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2021020316

ORDER GRANTING MOTION TO CONSOLIDATE AND DESIGNATING STUDENT'S CASE AS PRIMARY CASE

FEBRUARY 17, 2021

On January 8, 2021, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021010198, naming Guadalupe Union School District as a party. Student's Case is scheduled for hearing beginning March 2, 2021.

On February 8, 2021, Guadalupe Union filed a Request for Due Process Hearing in OAH case number 2021020316, naming Student. Guadalupe's Case is scheduled for hearing beginning March 9, 2021.

On February 8, 2021, Guadalupe Union filed a Motion to Consolidate its case with Student's Case. On February 11, 2021, Student filed a non-opposition to the 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, specifically, whether Guadalupe Union appropriately assessed Student as part of its fall 2020 multidisciplinary assessment. Therefore, consolidation is warranted. In addition, consolidation furthers the interests of judicial economy because both cases involve the same parties, and many of the same witnesses will be required to testify in each proceeding. Each matter will

also involve the introduction of many of the same documents. Accordingly, consolidation is granted.

When consolidating cases, OAH designates the statutory timelines applicable to the consolidated matters to be controlled by one of the cases. Here, the statutory timeline shall be controlled by Student's Case, OAH Case Number 2021010198.

ORDER

1. Guadalupe Union's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Guadalupe Union's Case, OAH case number 2021020316, are vacated.
3. The consolidated matters shall proceed on the dates previously set for hearing in the Primary Case, OAH case number 2021010198. The Prehearing Conference shall be heard on February 19, 2021, at 3:00 p.m. The Due Process Hearing in the consolidated cases shall be held on March 2, 3, and 4, 2021, beginning at 9:30 a.m. each day, and continuing day to day as needed at the discretion of the Administrative Law Judge.

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 Student's Case, OAH case number 2021010198.

IT IS SO ORDERED.

Theresa Ravandi

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Administrative Law Judge

Office of Administrative Hearings