BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

CARMEL UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022070678

OAH CASE NUMBER 2022060843

ORDER GRANTING MOTION TO CONSOLIDATE

AUGUST 1, 2022

On June 28, 2022, Carmel Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2022060843, Carmel Unified's Case, naming Parent on behalf of Student.

On July 22, 2022, Parents on behalf of Student filed a Request for Due Process Hearing in OAH case number 2022070678, Student's Case, naming Carmel Unified School District.

On July 25, 2022, Student filed a Motion to Consolidate the two cases. Carmel Unified did not file a response to the motion.

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, the cases involve a common question of law or fact, Carmel Unified's complaint seeks a determination that its May 2022 IEP offer and its offer of placement provided Student with a free appropriate public education. Student's complaint seeks a finding that Carmel Unified did not provide Student with a FAPE from April 2022 through the end of the 2021-2022 school year, including 2022 extended school year. Carmel Unified has not opposed the motion.

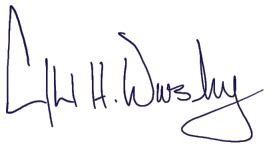
Consolidation also furthers the interests of judicial economy because both cases involve common witnesses and exhibits. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH case number 2022070678, is designated as the primary case. All dates previously set in Carmel Valley's Case, OAH case number 2022060843, are vacated.

3. 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 number 2022070678.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings