BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

MODESTO CITY SCHOOLS,

OAH CASE NUMBER 2022070237

OAH CASE NUMBER 2022060890

ORDER GRANTING MOTION TO CONSOLIDATE

JULY 15, 2022

On July 8, 2022, Student filed a Request for Due Process Hearing in OAH case number 2022070237, naming Modesto City Schools.

On July 8, 2022, Modesto City Schools filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2022060890, naming Student.

On July 14, 2022, parties jointly filed a Motion to Consolidate the cases 2022060890 and 2022070237.

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 Modesto City is entitled to assess Student and whether Modesto City failed to offer Student an independent educational evaluation at public funds. In addition, consolidation furthers the interests of judicial economy because the question involves the same set of evidence and witnesses. Accordingly, consolidation is granted.

ORDER

1. The joint Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Modesto City's Case, OAH case number 2022060890, 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 Student's Case, OAH case number 2022070237.

IT IS SO ORDERED.

Tiffany Gilmartin
Tiffany Gilmartin (Jul 18, 2022 08:23 PDT)

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings