BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

MADERA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024020498

OAH CASE NUMBER 2024020121

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING MOTION TO CONSOLIDATE, ORDER DISMISSING MADERA COUNTY SUPERINTENDENT OF SCHOOLS AS A PARTY

FEBRUARY 20, 2024

On February 16, 2024, Administrative Law Judge Rommel P. Cruz, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Nicole Mirkazemi appeared on behalf of Madera Unified School District. Parent appeared on behalf of Student. Education advocate Alfonso Padron and Veronica Vasquez appeared with Parent. Parent was assisted by a Spanish language interpreter. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

CONSOLIDATION

On February 2, 2024, Madera Unified School District filed a due process hearing request naming Student, called Madera Unified's Case, in OAH Case number 2024020121. A due process hearing request is called a complaint.

On February 14, 2024, Parent on behalf of Student filed a complaint naming Madera Unified and Madera County Superintendent of Schools, called Student's Case, in OAH Case number 2024020498. Student served Madera Unified with Student's complaint on February 14, 2024. Student failed to serve Student's complaint on Madera County Superintendent of Schools, referred to as Superintendent of Schools.

On February 14, 2024, Student filed a Motion to Consolidate, requesting to consolidate Madera Unified's Case with Student's Case. At the PHC, Student clarified that Student had not intended to name Superintendent of Schools as a party in Student's Case, and therefore, moved to dismiss Superintendent of Schools as a party in Student's Case. At the PHC, Madera Unified did not oppose the motion consolidate, and requested the consolidated matters proceed on the dates set in Student's Case.

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 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].)

Superintendent of Schools is dismissed as a party in Student's Case, OAH case number 2024020498. As to consolidation, Student's Case and Madera Unified's Case involve a common question of law or fact. Specifically, Madera Unified's Case seeks a finding that its multidisciplinary psychoeducational eligibility evaluation of Student, and written report dated January 20, 2022, met legal requirements such that Parent is not entitled to an independent psychoeducational evaluation at public expense. Student's Case alleges Madera Unified failed to assess Student in all areas of suspected disability, and contends the multidisciplinary psychoeducational evaluation failed to evaluate Student for a specific learning disability and an intellectual disability. As a remedy, Student seeks a publicly funded independent psychoeducational assessment.

In addition, consolidation furthers the interest of judicial economy because the same evidence and witnesses will be presented in both cases on the issue of whether Madera Unified appropriately assessed Student in January 2022. Accordingly, consolidation is granted.

ORDER

1. Madera County Superintendent of Schools is dismissed as a party in Student's Case, OAH case number 2024020498.
2. Student's Motion to Consolidate is granted.
3. Student's Case is designated as the primary case. All dates previously set in Madera Unified's Case, OAH case number 2024020121 are vacated. The

consolidated matters shall proceed on the dates currently set in Student's Case, OAH case number 2024020498.

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 2024020498.
5. Student requests Parent be provided a Spanish language interpreter to assist Parent in these proceedings. OAH will provide a Spanish language interpreter for Parent for these proceedings.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings