BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2020050103

and

CAPISTRANO UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020010258

ORDER GRANTING MOTION TO CONSOLIDATE

MAY 06, 2020

On January 8, 2020, Capistrano Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2020010258, naming Parent on behalf of Student.

On May 5, 2020, Parent on behalf of Student filed a Request for Due Process Hearing in OAH case number 2020050103, Second Case, naming Capistrano Unified School District.

On May 5, 2020, Parent on behalf of Student filed a Motion to Consolidate First Case with Second Case.

On May 6, 2020, Capistrano Unified School District filed a statement of 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, First Case and Second Case involve a common question of law or fact, specifically, whether assessments of Student were conducted appropriately and in accordance with applicable law. Further, Capistrano Unified School District does not oppose consolidation. Consolidation of these matters furthers the interests of judicial economy because the cases concern the validity of assessments of Student and whether

Parent is entitled to independent educational evaluations at public expense. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Second Case, OAH case number 2020050103 is designated as the primary case. All dates previously set in First Case, OAH case number 2020010258 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 2020050103.

IT IS SO ORDERED.

DocuSigned by:
Jennifer Kelly
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Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings