

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:
PARENT ON BEHALF OF STUDENT,

and

CAPISTRANO UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2021090021
OAH CASE NUMBER 2021090023

ORDER GRANTING MOTION TO CONSOLIDATE AND
DENYING MOTION TO RESET TIMELINES

SEPTEMBER 14, 2021

On August 31, 2021, Student filed with the Office of Administrative Hearings, referred to as OAH, a request for due process hearing in OAH case number 2021090021, Student's Case, naming Capistrano Unified School District.

On August 31, 2021, Capistrano filed a request for due process hearing in OAH case number 2021090023, Capistrano's Case, naming Student.

On September 10, 2021, Capistrano filed a motion to consolidate and to reset timelines in Capistrano's Case. On September 13, 2021, Student filed a non-opposition.

Here, Student's Case and Capistrano's Case involve a common question of law or fact, specifically, whether District conducted appropriate assessments for Student's triennial individualized education program review in 2019. In addition, consolidation furthers the interests of judicial economy because the same witnesses and evidence will be presented in both cases. Accordingly, consolidation is granted.

Capistrano cites no authority for OAH to reset statutory timelines upon consolidation of cases because the parties seek an opportunity to resolve the two cases. If the parties wish to mediate and continue this matter, they may file with OAH a joint request for mediation and a continuance to mutually agreeable dates.

ORDER

1. Capistrano's motion to consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Capistrano's case, OAH case number 2021090023, are vacated.
3. The consolidated matters shall proceed on the dates previously set for hearing in Student's Case, OAH case number 2021090021.
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 2021090021.

Alexa Hohensee

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Administrative Law Judge

Office of Administrative Hearings