

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

and

CENTRAL SCHOOL DISTRICT.
OAH CASE NUMBER 2021080492
OAH CASE NUMBER 2021100184

ORDER GRANTING MOTION TO CONSOLIDATE

OCTOBER 12, 2021

On August 17, 2021, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021080492, Student's Case, naming Central School District.

On October 7, 2021, Central filed a Request for Due Process Hearing in OAH case number 2021100184, Central's Case, naming Student.

On October 7, 2021, Central filed a Motion to Consolidate Student's Case with Central's Case.

On October 7, 2021, Student filed a non-opposition.

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, Student's Case and Central's Case involve the same parties and a common question of law or fact, specifically, whether Student's May 20, 2021, individualized education program, called an IEP, offered Student a free appropriate public education. Student does not oppose the motion. Consolidation furthers the interests of judicial economy because the cases involve common documentary evidence and witnesses. Consolidation also avoids the risk of inconsistent rulings. Accordingly, consolidation is granted.

ORDER

1. Central's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Central's Case, OAH case number 2021100184, are vacated. The consolidated matters shall proceed on the dates currently scheduled in Student's case, OAH case number 2021080492. The prehearing conference is scheduled on November 5, 2021, at 10:00 am. The due process hearing is scheduled on November 16, 17, and 18, 2021.

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 2021080492.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis

Administrative Law Judge

Office of Administrative Hearings