

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:
MOORPARK UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,
OAH CASE NUMBER 2021090430
OAH CASE NUMBER 2021100453

ORDER GRANTING MOTION TO CONSOLIDATE

OCTOBER 22, 2021

On September 14, 2021, Moorpark Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021090430, District's Case, naming Student.

On October 18, 2021, Student filed a Request for Due Process Hearing in OAH case number 2021100453, Student's Case, naming Moorpark Unified School District.

On October 18, 2021, Student filed a Motion to Consolidate District's Case with Student's Case.

Moorpark did not file a response to the motion.

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, District's Case and Student's Case involve a common question of law or fact, specifically, both raise claims regarding the July 1, 2021 psychoeducational assessment. In addition, consolidation furthers the interests of judicial economy because both matters involve the same parties, witnesses and evidence. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Moorpark's Case is designated as the primary case. All dates previously set in Student's Case, OAH case number 2021100453, 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 2021090430.

IT IS SO ORDERED.

Marlo Nisperos

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Administrative Law Judge

Office of Administrative Hearings