

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

and

PACIFIC COAST ACADEMY AND
SAN DIEGO UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2021090906
OAH CASE NUMBER 2021080129

ORDER GRANTING MOTION TO CONSOLIDATE

OCTOBER 07, 2021

On July 30, 2021, Pacifica Coast Academy filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021080129, Pacifica Coast Academy's Case, naming Student.

On September 29, 2021, Student filed a Request for Due Process Hearing in OAH case number 2021090906, Student's Case, naming Pacific Coast Academy and San Diego Unified School District.

On October 1, 2021, Student and Pacific Coast Academy filed a Joint Motion to Consolidate Pacific Coast Academy's Case with Student's Case. San Diego Unified School District 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, both cases involve a common question of law or fact, specifically, specifically the adequacy of Student's April 2021 Individualized Education Program, called an IEP, which involves the adequacy of assessments that San Diego Unified School District was a participant. In addition, consolidation furthers the interests of judicial economy because of the commonality of witnesses and legal and factual issues. Accordingly, consolidation is granted.

ORDER

1. Student's and Pacific Coast Academy Joint Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Pacific Coast Academy's Case, OAH case number 2021080129, are vacated.
3. Matter shall proceed on the dates in Student's Case, OAH case number 2021090906.
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 Primary Case, Student's Case, OAH case number 2021090906.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo

Presiding Administrative Law Judge

Office of Administrative Hearings