

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

and

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2021110493
OAH CASE NUMBER 2021110347

ORDER GRANTING STUDENT'S
MOTION TO CONSOLIDATE

NOVEMBER 19, 2021

On November 12, 2021, Saddleback Valley Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021110347, First Case, naming Parents on behalf of Student.

On November 17, 2021, Parents on behalf of Student filed a Request for Due Process Hearing in OAH case number 2021110493, Second Case, naming Saddleback Valley Unified School District.

On November 17, 2021, Student filed a Motion to Consolidate First Case with Second Case. On November 18, 2021, Saddleback Valley Unified School District filed a statement of Non-Opposition to 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 Saddleback Valley Unified School District appropriately determined at Student's October 2021 individualized education program team meeting that Student should be found ineligible for special education and related services. Student's complaint further alleges that Saddleback Valley Unified School District failed to assess Student in all areas of suspected disability. Saddleback Valley Unified School District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the cases primarily involve the same parties, witnesses and exhibits, and issues of law. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Second Case is designated as the primary case. All dates previously set in First Case, OAH case number 2021110347 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 2021110493.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings