

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PLEASANTON UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,
OAH CASE NUMBER 2021110737
OAH CASE NUMBER 2021100357

ORDER GRANTING MOTION TO CONSOLIDATE

DECEMBER 1, 2021

On October 13, 2021 Student filed a Request for Due Process Hearing with the Office of Administrative Hearings in OAH case number 2021100357, naming Pleasanton Unified School District as respondent. On November 29, 2021, Pleasanton filed a request for due process in OAH case number 2021110737 naming Student as respondent.

On November 29, 2021, Pleasanton filed a Motion to Consolidate its case with Student's case. On November 30, 2021, Student filed an objection to consolidation on the ground that consolidating the cases at this stage would delay Student's case.

Student also noted that Parent had a pre-planned business trip she was obligated to take on January 11, 2021. Pleasanton filed a reply on December 1, 2021.

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 Pleasanton's Case involve a common question of law or fact, specifically, whether the April 29, 2021, IEP offers Student a free, appropriate public education or FAPE. Additionally, consolidation furthers the interests of judicial economy because the issues raised by both parties will necessarily involve testimony from the same witnesses and consideration of common documents. Accordingly, consolidation is granted.

Pleasanton's case is designated as primary, and the consolidated matters will proceed as scheduled in Pleasanton's case. This is only one week later than Student's previously scheduled matter, it does not conflict with Parent's business trip and allows both sides to timely submit prehearing conference statements.

ORDER

1. Pleasanton's Motion to Consolidate is granted.
2. Pleasanton's Case is designated as the primary case. All dates previously set in Student's Case, OAH case number 2021100357, are hereby vacated.
3. The consolidated case shall proceed on the dates currently scheduled in Pleasanton's case, OAH case No. 2021110737.
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 Pleasanton's Case, OAH case number 2021110737.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings