

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

SANTA PAULA UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2021110028

OAH CASE NUMBER 2021120497

ORDER GRANTING MOTION TO CONSOLIDATE

DECEMBER 30, 2021

On November 1, 2021, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021110028, Student's Case, naming Santa Paula Unified School District.

On December 15, 2021, Santa Paula filed a Request for Due Process Hearing in OAH case number 2021120497, Santa Paula's Case, naming Student.

On December 30, 2021, the parties filed a joint Motion to Consolidate the cases.

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].)

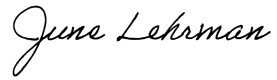
Here, both cases involve a common question of law or fact, specifically, both cases involve Santa Paula's August 20, 2021 psychoeducational assessment of Student and its resulting offer of a free appropriate public education. In addition, consolidation furthers the interests of judicial economy because the witnesses and documents to be presented will overlap. Accordingly, consolidation is granted.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Santa Paula's Case, OAH case number 2021120497, 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 2021110028.
4. The consolidated case will proceed on the dates scheduled in the Order dated November 24, 2021 in Student's Case, granting a request for videoconference mediation and a continuance. The mediation date is January 13, 2022. The prehearing conference date is February 25, 2022, at

10:00 am. The Due Process Hearing will be held on March 8 through 10,
2022.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "June Lehrman".

June Lehrman

Administrative Law Judge

Office of Administrative Hearings