

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

ANAHEIM ELEMENTARY SCHOOL DISTRICT,

OAH CASE NUMBER 2021120868

OAH CASE NUMBER 2021100500

ORDER GRANTING MOTION TO CONSOLIDATE

DECEMBER 29, 2021

On October 19, 2021, Anaheim Elementary School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021100500, Anaheim's Case, naming Student.

On December 28, 2021, Student filed a Request for Due Process Hearing in OAH case number 2021120868, Student's Case, naming Anaheim Elementary School District.

On December 28, 2021, Student filed a Motion to Consolidate the cases.

Anaheim does not object 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, whether the September 8, 2020 speech and language assessment was legally compliant. Anaheim does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the same parties are involved and common witnesses would testify in each matter. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Anaheim's Case, OAH case number 2021100500, 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 Student's Case, OAH case number 2021120868.

IT IS SO ORDERED.

Marlo Nisperos

Marlo Nisperos

Administrative Law Judge

Office of Administrative Hearings