

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

CHAWANAKEE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022010432

OAH CASE NUMBER 2022010161

ORDER GRANTING MOTION TO CONSOLIDATE

JANUARY 19, 2022

On January 9, 2022, Chawanakee Unified School District filed a Request for Due Process Hearing, naming Student as respondent, with the Office of Administrative Hearings, in OAH case number 2022010161. On January 14, 2022, Student filed a request for due process hearing, naming Chawanakee Unified School District as respondent in OAH Case number 2022010432.

On January 18, 2022, the parties jointly filed a Motion to Consolidate the cases and requested the timeline prescribed in Student's case, OAH Case No. 2022010432.

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 assessment of Student met legal requirements. In addition, consolidation furthers the interests of judicial economy because the cases will, necessarily involve common witnesses and evidence. Accordingly, consolidation is granted.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. Student's Case, OAH case number 2022010432, is designated as the primary case. The case will proceed as stated in the January 19, 2022 Scheduling Order in that matter. All dates previously set in Chawanakee's case OAH case number 2022010161, 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 2022010432.

IT IS SO ORDERED.

Penelope S. Pahl

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Administrative Law Judge

Office of Administrative Hearings