

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENT ON BEHALF OF STUDENT

AND

DESERT SANDS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021120916

OAH CASE NUMBER 2022010777

ORDER GRANTING MOTION TO CONSOLIDATE

FEBRUARY 01, 2022

On December 30, 2021, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021120916, called Student's Case, naming Desert Sands Unified School District. On January 28, 2022, Desert Sands Unified School District filed a Request for Due Process Hearing in OAH case number 2022010777, called District's Case, naming Parents on behalf of Student.

On January 28, 2022, Desert Sands filed a Motion to Consolidate the cases. Student filed Notice of Non-Opposition to consolidation on February 1, 2022.

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 and fact. Student's Case challenges the conclusions reached in the Desert Sands' initial assessment of Student, requesting an independent educational evaluation at public expense. District's Case seeks a determination that its initial assessment was appropriate (34 C.F.R. § 300.502(b)). The cases involve the same factual background, the same time period, and same issues of law.

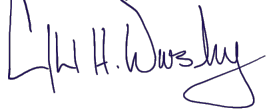
Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the cases involve the same parties, the same factual background, the same time period, and same issues of law. Accordingly, consolidation is granted.

ORDER

1. Desert Sands Unified School District's Motion to Consolidate is granted.
2. Student's Case, OAH case number 2021120916, is designated as the Primary case.

3. The dates set in the Primary Case, OAH case number 2021120916, shall apply to these consolidated matters. The dates set in District's Case, OAH case number 2022010777, are vacated.
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 the Primary Case, OAH case number 2021120916.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley", written over the typed name.

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings