

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENT ON BEHALF OF STUDENT,

and

GROSSMONT UNION HIGH SCHOOL DISTRICT,
OAH CASE NUMBER 2022010597
OAH CASE NUMBER 2022020018

ORDER GRANTING GROSSMONT UNION HIGH
SCHOOL DISTRICT'S MOTION TO CONSOLIDATE

FEBRUARY 4, 2022

On January 21, 2022, Parents on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2022010597, Student's Case, naming Grossmont Union High School District, referred to as Grossmont.

On January 31, 2022, Grossmont filed a Request for Due Process Hearing in OAH case number 2022020018, Grossmont's Case, naming Parents on behalf of Student.

On January 31, 2022, Grossmont filed a Motion to Consolidate the cases.

Student did not file a response to the motion. Further, Grossmont's Motion to Consolidate asserts Student stipulated to the consolidation.

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 June 4, 2021 Educationally Related Mental Health Services assessment was adequate and legally compliant. In addition, consolidation furthers the interests of judicial economy because hearing the cases jointly will save time and judicial resources and avoid conflicting rulings. Accordingly, consolidation is granted.

ORDER

1. Grossmont's Motion to Consolidate is granted.
2. Student's Case is designated as the Primary Case. All dates previously set in Grossmont's Case, OAH case number 2022020018 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 2022010597.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings