

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
LAMMERSVILLE UNIFIED SCHOOL DISTRICT,

AND

PARENT ON BEHALF OF STUDENT,
OAH CASE NUMBER 2022020274
OAH CASE NUMBER 2022010354

ORDER GRANTING MOTION TO CONSOLIDATE

FEBRUARY 11, 2022

On January 14, 2022, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2022010354, Student's Case, naming Lammersville Unified School District. On February 7, 2022, Lammersville Unified School District filed a Request for Due Process Hearing in OAH case number 2022020274, District's Case, naming Student.

Lammersville also filed a Motion to Consolidate the cases on February 7, 2022. Student did not file a response 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, both cases concern whether Lammersville's October 2021 individualized education program offer provided Student with a free appropriate public education. Student has not opposed the motion. In addition, consolidation furthers the interests of judicial economy because the cases involve the same witnesses and documentary evidence. Accordingly, consolidation is granted.

ORDER

1. Lammersville Unified School District's Motion to Consolidate is granted.
2. Student's Case, OAH case number 2022010354, is designated as the primary case. All dates previously set in District's Case, OAH case number 2022020274, 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 2022010354.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley".

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings