

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

AND

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2022020319
OAH CASE NUMBER 2021110465

ORDER GRANTING MOTION TO CONSOLIDATE

FEBRUARY 09, 2022

On November 17, 2021, Saddleback Valley Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021110465, District's Case, naming Student.

On February 8, 2022, Student filed a Request for Due Process Hearing in OAH case number 2022020319, Student's Case, naming Saddleback Valley Unified School District. Student also filed a Motion to Consolidate Student's Case and District's Case. On February 9, 2022, Saddleback Valley filed notice of non-opposition to Student's motion to consolidate.

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].)

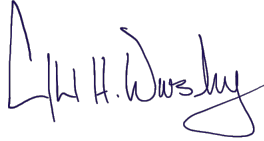
Here, both cases involve common questions of law or fact. District's Case seeks a finding that its October 13, 2022 assessment of Student was legally appropriate, such that Student is not entitled to an independent educational evaluation at public expense. This same assessment will be submitted as evidence in Student's Case, which alleges Saddleback Valley did not provide Student with a free appropriate public education. Saddleback Valley does not oppose the motion. The consolidation furthers the interests of judicial economy. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case OAH case number 2022020319, is designated as the primary case. All dates previously set in District's Case, OAH case number 2021110465, 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 2022020319.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley". The signature is stylized with a large initial "C" and a long, sweeping underline.

Clifford H. Woosley
Administrative Law Judge
Office of Administrative Hearings