

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

WHITTIER CITY SCHOOL DISTRICT ,

OAH CASE NUMBER 2022020738

OAH CASE NUMBER 2022020111

ORDER GRANTING MOTION TO CONSOLIDATE

FEBRUARY 25, 2022

On February 2, 2022, Whittier City School District filed with the Office of Administrative Hearings, referred to as OAH, a Request for Due Process Hearing in OAH case number 2022020111, Whittier City's Case, naming Parents and Student (collectively, Student).

On February 22, 2022, Student filed a Request for Due Process Hearing in OAH case number 2022020738, Student's Case, naming Whittier City.

On February 22, 2022, Student filed a Motion to Consolidate the cases.

On February 24, 2022, Whittier City filed a Notice of Non-Opposition 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, whether the December 14, 2021 individualized education program, referred to as an IEP, offered Student a free appropriate public education in the least restrictive environment, and whether Whittier City's fall 2021 assessments upon which the December 14, 2021 IEP was based were appropriate. Whittier City does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the parties, the issues, the evidence, and the witnesses in both cases overlap. Therefore, consolidation will avoid duplication of effort. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case is designated as Primary Case, and the consolidated matter shall proceed pursuant to the dates set in Primary Case. All dates previously set in Whittier City's Case, OAH case number 2022020111, 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 2022020738.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Elsa Jones".

Elsa H. Jones

Administrative Law Judge

Office of Administrative Hearings