

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 2022030418

OAH CASE NUMBER 2021120372

ORDER GRANTING MOTION TO CONSOLIDATE

MARCH 22, 2022

On December 10, 2021, Saddleback Valley Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case Number 2021120372, Saddleback's Case, naming Parents on behalf of Student.

On March 9, 2022, Student filed a Request for Due Process Hearing in OAH Case Number 2022030418, Student's Case, naming Saddleback.

On March 21, 2022, the parties filed a joint Motion to Consolidate the cases and to designate Student's Case as the primary matter.

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 background of facts. Saddleback's Case seeks to determine the appropriateness of its November 2021 assessments. Student's Case seeks to establish that Student's individualized education program was not implemented, and that Student was denied a free appropriate public education, by virtue of the distance learning Saddleback offered during the COVID-19 pandemic. Although these issues do not overlap, the parties and background facts will overlap and the request to consolidate was stipulated by both parties. Consolidation furthers the interests of judicial economy. Accordingly, consolidation is granted.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. Student's Case, OAH Case Number 2022030418 is designated as the primary case. All dates previously set in Saddleback's Case, OAH Case Number 2021120372, 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 Student's Case, OAH Case Number 2022030418.

IT IS SO ORDERED.

June Lehrman

June Lehrman

Administrative Law Judge

Office of Administrative Hearings