

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

PACIFIC SPRINGS CHARTER SCHOOL,

OAH CASE NUMBER 2022010098

OAH CASE NUMBER 2022020769

ORDER GRANTING MOTION TO CONSOLIDATE

MARCH 25, 2022

On January 4, 2022, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2022010098, Student's Case, naming Pacific Springs Charter School.

On March 21, 2022, Pacific Springs Charter School filed a Request for Due Process Hearing in OAH case 2022020769, Pacific Springs' Case, naming Student.

On March 21, 2022, Pacific Springs filed a Motion to Consolidate the cases.

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, whether Student was timely and appropriately assessed; and, whether he is entitled to Independent Educational Evaluations at public expense. In addition, consolidation furthers the interests of judicial economy because the same evidence, time frame, and witnesses will be utilized for both hearings. Accordingly, consolidation is granted.

ORDER

1. Pacific Springs' Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Pacific Springs' Case, OAH case number 2022030769, 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 2022010098.

IT IS SO ORDERED.

Tiffany Gilmartin
Tiffany Gilmartin (Mar 29, 2022 12:46 PDT)

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings