

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

NEWPORT-MESA UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2024090768

OAH CASE NUMBER 2024070472

ORDER GRANTING MOTION TO CONSOLIDATE

OCTOBER 7, 2024

On July 12, 2024, Newport-Mesa Unified School District filed a Request for Due Process Hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, in OAH case number 2024070472, naming Student as respondent. On September 19, 2024, Student filed a complaint naming Newport-Mesa as respondent.

On October 1, 2024, Student filed a Motion to Consolidate the cases. OAH received no response to the consolidation motion from Newport-Mesa.

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 regarding whether assessments conducted by Newport-Mesa met legal standards. Newport-Mesa did not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases would involve the same witnesses and evidence. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH case number 2024090768 is designated as the primary case.
3. All dates previously set in Newport-Mesa's Case, OAH case number 2024070472, are vacated.

4. 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 2024090768.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings