

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

ALAMEDA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024100234

OAH CASE NUMBER 2024080715

ORDER GRANTING MOTION TO CONSOLIDATE

OCTOBER 10, 2024

On August 16, 2024, Alameda Unified School District filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2024080715, naming Student. OAH case number 2024080715 is referred to as Alameda Unified's Case. A Request for Due Process Hearing is called a complaint.

On October 7, 2024, Parents on behalf of Student filed a complaint in OAH case number 2024100234, naming Alameda Unified. OAH case number 2024100234 is referred to as Student's Case.

On October 7, 2024, Student filed a motion to consolidate Alameda Unified's Case with Student's Case. On October 9, 2024, Alameda Unified filed a non-opposition to the motion to consolidate.

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 Alameda Unified's 2024 psychoeducational, occupational therapy, and speech and language assessments denied Student a free appropriate public education because the assessments failed to meet legal requirements. Alameda Unified does not oppose the motion.

In addition, consolidation furthers the interests of judicial economy because the same evidence and witnesses will be presented in both cases on the issues as to whether Alameda Unified properly assessed Student in psychoeducation, occupational therapy, and speech and language, and whether Student is entitled to a publicly funded independent educational evaluation. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Alameda Unified's Case, OAH case number 2024080715, 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 2024100234.

IT IS SO ORDERED.

Rommel P. Cruz

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Administrative Law Judge

Office of Administrative Hearings