BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

SOUTH SUTTER CHARTER SCHOOL,

OAH CASE NUMBER 2023100030

OAH CASE NUMBER 2023100175

ORDER GRANTING MOTION TO CONSOLIDATE

OCTOBER 18, 2023

On September 29, 2023, Parents on behalf of Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2023100030, Student's Case, naming South Sutter Charter School, called Charter School.

On October 5, 2023, Charter School filed a Request for Due Process Hearing in OAH case number 2023100175, Charter School's Case, naming Student.

On October 5, 2023, Charter School filed a Motion to Consolidate the cases. Student submitted a non-opposition to the request on October 6, 2023.

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, each case involves the appropriateness of Student's educational program during the 2022-2023, and 2023-2024 school years. In addition, consolidation furthers the interests of judicial economy because consolidation will prevent inconsistent rulings regarding similar issues. Accordingly, consolidation is granted.

ORDER

1. Charter School's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Charter School's Case, OAH case number 2023100175, are vacated.
3. The consolidated matters shall proceed on the dates previously set for hearing in Student's Case, OAH case number 2023100030.
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 2023100030.

Paul H. Kamoroff (Oct 18, 2023 15:47 PDT)

Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings