BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

CAPISTRANO UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2024110845

OAH CASE NUMBER 2024120812

ORDER GRANTING MOTION TO CONSOLIDATE

DECEMBER 30, 2024

On November 25, 2024, Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2024110845, called Student's Case, naming Capistrano Unified School District, called Capistrano.

On December 23, 2024, OAH granted the parties joint request to set a mediation and continue the due process hearing dates in Student's Case. A videoconference mediation was set for March 17, 2025, a prehearing conference on April 4, 2025, and due process hearing on April 15, through 17, 2025.

On December 23, 2024, Capistrano filed a Request for Due Process Hearing in OAH case number 2024120812, called Capistrano's Case, naming Student.

On December 30, 2024, the parties jointly filed a Motion to Consolidate the cases and set the consolidated matter on the dates currently set for Student's Case.

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, regarding the adequacy of Capistrano's February 2023 assessments and the resulting individualized education program, called an IEP. The parties' joint motion reflects their mutual agreement to consolidation. In addition, consolidation furthers the interests of judicial economy because if the matters were not consolidated, the parties would need to present significantly similarly, if not overlapping, evidence to potentially two different administrative law judges. Accordingly, consolidation is granted.

ORDER

1. The parties' Joint Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Capistrano's Case, OAH case number 2024120812, are vacated.
3. The consolidated matters shall proceed on the dates previously set for mediation, prehearing conference, and due process hearing in Student's Case, OAH case number 2024110845.

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 2024110845.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings