BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

AND

FOLSOM-CORDOVA UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022080541

OAH CASE NUMBER 2022080167

ORDER GRANTING MOTION TO CONSOLIDATE

AUGUST 22, 2022

On August 4, 2022, Folsom-Cordova Unified School District, called Folsom-Cordova, filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2022080167, Folsom-Cordova's Case, naming Student.

On August 18, 2022, Student filed a Request for Due Process Hearing in OAH case number 2022080541, Student's Case, naming Folsom-Cordova.

On August 19, 2022, the parties jointly filed a Motion to Consolidate Folsom-Cordova's Case with Student's Case by filing a Joint Stipulation to Consolidate. The parties requested that the consolidated matters proceed on the dates currently set in 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, Folsom-Cordova's Case involve a single issue of whether its May 2022 individualized education program, called IEP, offered Student a free appropriate public education, called a FAPE. Student's Case involves whether Folsom-Cordova offered Student a FAPE, which also included the May 2022 IEP offer. Both cases involve a common question of law or fact, specifically, the same May 2022 IEP offer in both cases. Both parties requested consolidation. Consolidation furthers the interests of judicial economy because the same witnesses and exhibits will be presented in both cases regarding the May 2022 IEP offer. Accordingly, consolidation is granted. Further, this consolidated matter will proceed on the later dates in Student's Case.

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 Folsom-Cordova's Case, OAH case number 2022080167, are vacated.
3. The consolidated matters shall proceed on the dates previously set for hearing in Student's Case, OAH case number 2022080541.

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 Primary Case, OAH case number 2022080541.

IT IS SO ORDERED.

Sabrina Kong

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Administrative Law Judge

Office of Administrative Hearings