BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

ENTERPRISE ELEMENTARY SCHOOL DISTRICT,

OAH CASE NUMBER 2021040393

and

ENTERPRISE ELEMENTARY SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2021020664

ORDER GRANTING MOTION TO CONSOLIDATE

APRIL 15, 2021

On February 18, 2021, Enterprise Elementary School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021020664, First Case, naming Student.

On April 9, 2021, Student filed a Request for Due Process Hearing in OAH case number 2021040393, Second Case, naming Enterprise Elementary.

On April 9, 2021, Student filed a Motion to Consolidate First Case with Second Case.

Enterprise Elementary did not file a response to the motion.

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, First Case and Second Case involve common questions of law and fact. Specifically, both cases allege the appropriateness of Enterprise Elementary's February 2020 offer of a free appropriate public education to Student and Enterprise Elementary's request for a medical assessment of Student. Enterprise Elementary does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases will necessarily require the same witnesses and evidence. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Second Case is designated as the Primary Case. All dates previously set in First Case, OAH case number 2021020664, are vacated.
3. The consolidated matters shall proceed on the dates set in the Primary Case, OAH Case number 2021040393. The deadline for filing mediation requests, prehearing conference motions, and prehearing conference statements shall be May 19, 2021. The Prehearing Conference shall be held on May 24, 2021 at 3:00 PM. The Due Process Hearing shall be held on June 2 and 3, 2021, from 9:30 AM to 3:30 PM on all days unless otherwise ordered. The hearing shall continue day to day as needed at the discretion of the Administrative Law Judge.
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 2021040393.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton

Administrative Law Judge

Office of Administrative Hearings