BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

IRVINE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022090416

OAH CASE NUMBER 2022060095

ORDER GRANTING MOTION TO CONSOLIDATE

SEPTEMBER 16, 2022

On June 3, 2022, Irvine Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2022060095, Irvine's Case, naming Student.

On September 14, 2022, Student filed a Request for Due Process Hearing in OAH case number 2022090416, Student's Case, naming Irvine.

On September 14, 2022, Student filed a Motion to Consolidate the cases. On September 15, 2022, Irvine filed an objection on the ground that consolidation of the matters is being sought as a tactic to delay adjudication of district's case and will result in prejudice to the district.

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].)

Irvine contends consolidation causes unnecessary costs and delay in the resolution of the district's filing. Irvine asserts it requires a swift ruling in order to return Student to school as soon as possible thereby allowing the district to discharge its obligations under the Individuals with Disabilities Education Act.

Here, both cases involve a common question of law or fact, specifically, whether the March 23, 2022 IEP offer provided Student a free appropriate public education by offering appropriate placement and services. In addition, consolidation furthers the interests of judicial economy because overlapping evidence and witnesses will be offered in each due process hearing. 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 Irvine's Case, OAH case number 2022060095, 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 2022090416.

IT IS SO ORDERED.

Marlo Nisperos

Marlo Nisperos
Administrative Law Judge
Office of Administrative Hearings