BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

MILL VALLEY SCHOOL DISTRICT.

OAH CASE NUMBER 2025020730

OAH CASE NUMBER 2025030785

ORDER GRANTING MOTION TO CONSOLIDATE

MARCH 25, 2025

On February 20, 2025, Parents on behalf of Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2025020730, naming Mill Valley Unified School District. OAH case number 2025020730 is referred to as Student's Case. A Request for Due Process Hearing is called a complaint.

On March 18, 2025, Mill Valley Unified filed a complaint in OAH case number 2025030785, naming Student. OAH case number 2025030785 is referred to as Mill Valley Unified's Case. Student's Case and Mill Valley Unified's Case are both set for hearing on April 8, 9, and 10, 2025.

On March 18, 2025, Mill Valley Unified filed a Motion to Consolidate Student's Case with Mill Valley Unified's Case. OAH did not receive a response from Student.

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, Student's Case claims Mill Valley Unified failed to find him eligible for special education services under the category of specific learning disability, based in part on Mill Valley Unified's February 15, 2024 psychoeducational assessment. Mill Valley Unified seeks to defend the appropriateness of its February 15, 2024 psychoeducational assessment in its case.

In addition, consolidation furthers the interests of judicial economy because the same evidence and witnesses will be presented in both cases on the issue as to whether Mill Valley Unified denied Student a free appropriate public education based in part on Mill Valley Unified's February 15, 2024 psychoeducational assessment. Accordingly, consolidation is granted.

ORDER

1. Mill Valley Unified's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Mill Valley Unified's Case, OAH case number 2025030785, are vacated.

3. The consolidated cases shall proceed on the dates set in the Student's Case, OAH case number 2025020730.
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 2025020730.

IT IS SO ORDERED.

Rommel P. Cruz

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Administrative Law Judge

Office of Administrative Hearings