BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

# IN THE CONSOLIDATED MATTERS INVOLVING:

# PARENT ON BEHALF OF STUDENT,

v.

# DINUBA UNIFIED SCHOOL DISTRICT,

# OAH CASE NUMBER 2023010036

# OAH CASE NUMBER 2022110334

# ORDER GRANTING MOTION TO CONSOLIDATE

January 13, 2023

On November 9, 2022, Dinuba Unified School District, called Dinuba, filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2022110334, Dinuba's Case, naming Parent on behalf of Student.

On January 3, 2023, Student filed a Request for Due Process Hearing in OAH case number 2023010036, Student's Case, naming Dinuba.

On January 5, 2023, Student filed a Motion to Consolidate the cases. Dinuba opposed the motion on January 10, 2023.

## 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, Student's complaint alleges, amongst other issues, that Dinuba denied him a free appropriate public education, called FAPE, during the 2021-2022 and 2022-2023 school years, by failing to offer an appropriate individualized education program, called IEP. Dinuba's complaint alleges that, as of June 1, 2022, Student no longer qualified for special education and related services. Consequently, the appropriateness of Student's educational program during the 2021-2022 and 2022-2023 school years, is an issue in both cases. In addition, consolidation furthers the interests of judicial economy because these matters will include similar witnesses and consolidation will prevent inconsistent rulings. 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 Dinuba's Case, OAH case number 2022110334, are vacated.
3. The consolidated matters shall proceed on the dates previously set for hearing in Student's Case, OAH case number 2023010036.

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 2023010036.

Paul H. Kamoroff (Jan 13, 2023 10:32 PST)

Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings