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 2022050292

OAH CASE NUMBER 2022010218

ORDER GRANTING MOTION TO CONSOLIDATE

MAY 10, 2022

On January 10, 2022, Irvine Unified School District filed a Request for Due Process Hearing with the Office of Administrative Hearings in OAH case number 2022010218, naming Parent on behalf of Student as respondent. On May 6, 2022, Student, filed a Request for Due Process Hearing in OAH case number 2022050292, naming Irvine as respondent. On that same date, Student also filed a Motion to Consolidate the cases. On May 9, 2022, Irvine filed a notice that it did not oppose the 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, whether the assessments met legal requirements and whether they supported Irvine's eligibility determination. In addition, consolidation furthers the interests of judicial economy because the cases will require the testimony of many of the same witnesses. Irvine does not oppose the motion. 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 2022010218, are vacated.
3. The consolidated matters shall proceed on the dates previously set for hearing in Student's Case, OAH case number 2022050292.

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 2022050292.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings