BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

AND

IRVINE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2021080012

OAH CASE NUMBER 2021080052

ORDER GRANTING MOTION TO CONSOLIDATE

AUGUST 12, 2021

On July 30, 2021, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings, called OAH, in OAH case number 2021080012, the First Case, naming Irvine Unified School District. On August 2, 2021, Irvine Unified School District filed with OAH a Request for Due Process Hearing in OAH case number 2021080052, the Second Case, naming Student.

On August 12, 2021, Irvine Unified School District filed a Motion to Consolidate the First Case with the Second Case.

On August 12, 2021, Student filed a non-opposition to Irvine Unified School District's Motion to Consolidate.

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, the First Case and Second Case both involve the same parties and a common question of law and fact. Specifically, Student's fifth issue in the First Case challenges the appropriateness of Irvine's psychoeducational evaluation of Student, and Irvine's sole issue in the Second Case seeks an Order finding that its multidisciplinary assessment of Student is legally compliant. Because both cases involve a similar issue, the hearings on those matters will both involve evidence on the same facts, and application of the same law, consolidation of the two cases furthers the interests of judicial economy. Accordingly, consolidation is granted.

ORDER

1. Irvine Unified School District's Motion to Consolidate is granted.
2. The First Case is designated as the primary case. All dates previously set in the Second Case, OAH case number 2021080052, are vacated.
3. Hearing in the consolidated cases shall take place as follows, unless otherwise ordered: September 21, 22, and 23, 2021.

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 2021080012.

IT IS SO ORDERED.

Christine Arden

Christine Arden

Administrative Law Judge

Office of Administrative Hearings