BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

TEMECULA VALLEY UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2023060617

OAH CASE NUMBER 2023050420

ORDER GRANTING MOTION TO CONSOLIDATE

JUNE 21, 2023

On May 11, 2023, Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2023050420, Student's Case, naming Temecula Valley Unified School District.

On June 14, 2023, Temecula Valley filed a Request for Due Process Hearing in OAH case number 2023060617, Temecula Valley's Case, naming Student.

On June 14, 2023, Temecula Valley filed a Motion to Consolidate the cases.

During the June 19, 2023 prehearing conference for Student's Case, Student's attorney acknowledged she would be representing Student in Temecula Valley's Case.

She stated on the record that she opposed consolidation on the ground that Temecula Valley's Case includes in its issue not only the individualized education programs Student challenged in his case, but also an individualized education program amendment and team meeting that occurred on May 26, 2023, after the date Student filed his request for due process hearing.

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 Temecula Valley offered Student a free appropriate public education through the individualized education program dated November 3, 2022, as amended on, at least, December 16, 2022, February 10 and 28, 2023, and March 10, 2023. Accordingly, consolidation is granted.

ORDER

1. Temecula Valley Unified School District's Motion to Consolidate is granted.
2. Temecula Valley Unified School District's Case is designated as the primary case. All dates previously set in Student's Case, OAH case number 2023050420, 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 Temecula Valley's Case, OAH case number 2023060617.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings