

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:
PARENTS ON BEHALF OF STUDENT,

and

ORINDA UNION SCHOOL DISTRICT,
OAH CASE NUMBER 2021090149
OAH CASE NUMBER 2021090144

ORDER GRANTING MOTION TO CONSOLIDATE

SEPTEMBER 13, 2021

On September 3, 2021, Orinda Unified School District filed with the Office of Administrative Hearings, referred to as OAH, a Request for Due Process Hearing in OAH case number 2021090144, First Case, naming Student.

On September 7, 2021, Parents on behalf of Student filed a Request for Due Process Hearing in OAH case number 2021090149, Second Case, naming Orinda Unified.

On September 7, 2021, Student filed a Motion to Consolidate First Case with Second Case. Orinda Unified did not file a response to the motion.

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, First Case and Second Case involve a common question of law or fact, specifically, whether Orinda Unified's individualized education program, called an IEP, developed on November 6, 2020, and amended on March 25, 2021, denied Student a free appropriate public education, referred to as a FAPE. In addition, consolidation furthers the interests of judicial economy because the same evidence and testimony will be presented in both cases on the issue as to whether the November 6, 2020 IEP, and as amended on March 25, 2021, denied Student a FAPE. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Second Case is designated as the primary case. All dates previously set in First Case, OAH case number 2021090144, 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 the primary case, OAH case number 2021090149.

IT IS SO ORDERED.

Rommel P. Cruz

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Administrative Law Judge

Office of Administrative Hearings