

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 2021090558

OAH CASE NUMBER 2021100817

ORDER GRANTING MOTION TO CONSOLIDATE

NOVEMBER 8, 2021

On September 17, 2021, Parents on behalf of Student filed with the Office of Administrative Hearings a request for due process hearing in OAH case number 2021090558, Student's Case, naming Irvine Unified School District. On October 28, 2021, OAH granted the parties' continuance request and set a mediation date.

On October 27, 2021, Irvine filed a request for due process hearing in OAH case number 2021100817, Irvine's Case, naming Student.

On October 28, 2021, Irvine filed a motion to consolidate Student's Case with Irvine's Case, and to have the consolidated matters heard on the dates currently scheduled in Student's Case.

On November 1, 2021, Student filed a non-opposition.

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, Student's Case and Irvine's Case involve a common question of law or fact concerning Student's educational needs. Specifically, the two cases revolve around whether District conducted a psychoeducational assessment that gave sufficient information about Student's educational needs to Student's individualized education program team to develop an appropriate offer of special education and related services. In addition, consolidation furthers the interests of judicial economy because the same witnesses and evidence will be presented in both cases. Consolidation will avoid the duplication of time, expense and resources involved in having these matters proceed to hearing separately and avoid the possibility of conflicting results. Accordingly, consolidation is granted.

ORDER

1. Irvine's motion to consolidate is granted.
2. Student's Case is designated as the primary case. The consolidated cases will proceed on the dates scheduled in Student's Case, case number

2021090558. All dates previously set in Irvine's case, case number 2021100817, 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 Student's Case, case number 2021090558.

IT IS SO ORDERED.

Alexa Hohensee

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Administrative Law Judge

Office of Administrative Hearings