

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

and

TAMALPAIS UNION HIGH SCHOOL DISTRICT,
OAH CASE NUMBER 2021100290
OAH CASE NUMBER 2021110001

ORDER GRANTING MOTION TO CONSOLIDATE

NOVEMBER 4, 2021

On October 8, 2021, Parent on behalf of Student filed with the Office of Administrative Hearings, referred to as OAH, a Request for Due Process Hearing in OAH case number 2021100290, First Case, naming Tamalpais Union High School District. A Request for Due Process Hearing is referred to as a complaint.

On October 28, 2021, Tamalpais Union filed a complaint in OAH case number 2021110001, Second Case, naming Student. On October 28, 2021, Tamalpais Union filed a Motion to Consolidate First Case with Second Case. Student did not file a response to the 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, First Case and Second Case involve a common question of law or fact, specifically, in First Case, Student is challenging the appropriateness of the goals, accommodations, supports, services, and placement offered in Student's individualized education programs, called IEPs, for the 2020-2021 and 2021-2022 school years. In Second Case, Tamalpais Union is seeking to establish that the December 2, 2020 IEP, as amended on February 11, and April 29, 2021, offered Student a free appropriate public education, called FAPE, in the least restrictive environment. In addition, consolidation furthers the interests of judicial economy because the same evidence and witnesses will be presented in both cases on the issue of whether the December 2, 2020 IEP, as amended on February 11, and April 29, 2021, offered Student a FAPE. Accordingly, consolidation is granted.

ORDER

1. Tamalpais Union's Motion to Consolidate is granted.
2. First Case is designated as the primary case. All dates previously set in Second Case, OAH case number 2021110001, are vacated. The

consolidated matters shall proceed on the dates currently set in First Case, OAH case number 2021100290.

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 First Case, OAH case number 2021100290.

IT IS SO ORDERED.

Rommel P. Cruz

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Administrative Law Judge

Office of Administrative Hearings