

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

and

ETIWANDA SCHOOL DISTRICT,
OAH CASE NUMBER 2022010714
OAH CASE NUMBER 2022010599

ORDER GRANTING MOTION TO CONSOLIDATE

JANUARY 31, 2022

On January 21, 2022, Etiwanda School District filed a Request for Due Process Hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Student. Etiwanda's case was designated OAH case number 2022010599. On January 24, 2022, Student filed a complaint with OAH, naming Etiwanda. Student's case was designated OAH case number 2022010714. On January 25, 2022, Student filed a Motion to Consolidate. Etiwanda did not file a response to Student's motion.

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 cases that involve the same parties, a common question of law or fact, and

when consolidation 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].)

Consolidation of Etiwanda's and Student's cases is warranted. Etiwanda's case seeks a finding that it offered Student a free appropriate public education, called a FAPE, in a December 8, 2021 individualized education program, called an IEP. Student's case alleges Etiwanda did not offer Student a FAPE in the December 8, 2021 IEP, among other issues. The cases involve the same parties and common questions of law and fact. Consolidating the cases and holding only one due process hearing furthers the interests of judicial economy.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH Case number 2022010714, is designated as the primary case. All future documents must be filed in Student's case.
3. All dates previously set in Etiwanda's case, OAH case number 2022010599, are vacated. The consolidated cases will proceed on the hearing dates set in Student's case.
4. The 45-day timeline for issuance of the decision in the consolidated cases will be based on the date Student's complaint was filed.

Tara Doss

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Administrative Law Judge

Office of Administrative Hearings