BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

TWIN RIVERS UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2024030829

OAH CASE NUMBER 2024040199

ORDER GRANTING MOTION TO CONSOLIDATE

APRIL 5, 2024

On March 22, 2024, the Twin Rivers Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2024030829, Twin Rivers's Case, naming Student.

On April 3, 2024, Student filed a Request for Due Process Hearing in OAH case number 2024040199, Student's Case, naming Twin Rivers.

On April 3, 2024, Student filed a Motion to Consolidate the cases. On the same day Twin Rivers filed a notice of non-opposition 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, both cases involve common questions of law and fact. Twin Rivers's case seeks an order declaring that its January 11, 2024, individualized education program offers Student a free appropriate public education, called a FAPE, and may be implemented without parental consent. Student's case seeks an order that the same January 11, 2024, program does not provide him a FAPE and entitles him to reimbursement for privately obtained services. As a result, many of the legal and factual issues are the same in the two cases. In addition, consolidation furthers the interests of judicial economy because the two cases will involve the same documents and witnesses. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Twin Rivers's Case, OAH case number 2024030829, 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 Primary Case,

OAH case number 2024040199, and shall proceed according to the Scheduling Order in that matter.

IT IS SO ORDERED.

Charles Marson

Charles Marson

Administrative Law Judge

Office of Administrative Hearings