BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CA EDUCATION AUTHORITY,	OAH Case No. 2015060374
CA EDUCATION AUTHORITY, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015080190 ORDER GRANTING MOTION TO CONSOLIDATE

On May 13, 2015, Student filed a request for due process hearing request(complaint) in Office of Administrative Hearings case number 2015060374 (first case), naming California Education Authority.

On August 4, 2015, California Education Authority filed a complaint in OAH case number 2015080190 (second case), naming Student.

On August 20, 2015, California Education Authority filed a motion to consolidate the first case with the second case.

On August 21, 2015, Student filed an opposition to consolidation on the ground that he believed that if OAH granted the motion to consolidate, the currently set dates in the first case for prehearing conference and due process hearing would be vacated and the matter would proceed to hearing on later dates. Student wishes to have the first case proceed on the dates currently calendared, September 4, 2015 for a prehearing conference, and September 16, 17, 22, 23, and 24, 2015 for the due process hearing. [1]

[1] On August 24, 2015, Student also filed a motion asking that the dates currently set in the second case be continued. In that motion Student indicates that he has now filed another complaint with OAH, and a motion to consolidate cases in that matter. Student's motion to continue will be addressed in another order. Student's motion to consolidate is not yet ripe for ruling. ,

APPLICABLE LAW

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; 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].)

DISCUSSION

Here, the first case and second case involve a common question of law or fact, specifically, student's special education and services for the 2013-2014 and 2014-2015 school years. Student's opposition to the motion to consolidate is based on his mistaken belief that dates later than the currently set dates for hearing in the first case will need to be set if consolidation occurs. However, although OAH is granting California Education Authority's motion to consolidate, the dates currently set in the first case will remain as set, and dates in the second case will be vacated. Accordingly, consolidation is granted.

ORDER

1. California Education Authority's motion to consolidate is granted.

2. All dates previously set in the second case, OAH Case Number 2015080190 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 OAH Case Number 2015060374, the first case

DATE: August 24, 2015

/s/
REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings