BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: TUOLUMNE COUNTY SUPERINTENDENT OF SCHOOLS, AND CURTIS CREEK ELEMENTARY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2019020281
PARENT ON BEHALF OF STUDENT, v. TUOLUMNE COUNTY SUPERINTENDENT OF SCHOOLS, AND CURTIS CREEK ELEMENTARY SCHOOL DISTRICT.	OAH Case No. 2019010105 ORDER GRANTING MOTION TO CONSOLIDATE

On January 3, 2019, Student filed a request for due process hearing in OAH case number 2019010105, naming Tuolumne County Superintendent of Schools and Curtis Creek Elementary School District.

On February 6, 2019, Tuolumne and Curtis Creek filed a complaint in OAH case number 2019020281, naming Student. On February 7, 2019, Tuolumne and Curtis Creek filed a motion to consolidate its case with Student's. Student objects to a continuance of the March 5, 6, and 7 hearing dates as prejudicial, but does not oppose consolidation.

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, Student's case and District's case involve a common question of law or fact, specifically, whether the February 1, 2019 residential placement offer, is an offer of a free and appropriate public education, and if so, whether it can be implemented in its entirety. Further, Student does not oppose consolidation. Additionally, consolidation furthers the interests of judicial economy because the same witnesses would testify in both hearings, and consolidation will also prevent the risk of inconsistent rulings.

ORDER

1. Tuolumne County Superintendent of Schools and Curtis Creek Elementary School District's Motion to Consolidate is granted.

2. All dates previously set in OAH case number 201910105, 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 2019020281.

IT IS SO ORDERED.

DATE: February 11, 2019

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Cynthia Fritz
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CYNTHIA FRITZ
Administrative Law Judge
Office of Administrative Hearings