BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. TEMPLETON UNIFIED SCHOOL DISTRICT,	OAH Case No. 2017051280
TEMPLETON UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2017031438 ORDER GRANTING MOTION TO CONSOLIDATE AND DESIGNATING STUDENT'S CASE AS LEAD CASE

On March 30, 2017, Templeton Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2017031438 (District's Case) naming Parents on Behalf of Student. This matter is currently scheduled for hearing beginning June 6, 2017.

On May 26, 2017, Student filed a Request for Due Process Hearing in OAH case number 2017051280 (Student's Case), naming Templeton. This matter is currently pending mediation on June 29, 2017, and a prehearing conference on July 14, 2017, with hearing scheduled to begin July 20, 2017.

On May 26, 2017, Student filed a Motion to Consolidate Student's Case with District's Case. On May 30, 2017, Templeton filed a non-opposition to Student's motion to consolidate.

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

Student moves to consolidate the two cases as they identify similar issues for hearing. Templeton's issue for hearing is whether the October 4, 2016 individualized education program, reconvened on October 21, 2016, November 10, 2016, December 19, 2016, February 1 and 9, 2017, and as amended March 8, 2017, offers Student a free appropriate public education in the least restrictive environment. Student identifies as an issue for hearing whether Templeton denied him a FAPE by failing to properly craft the October 2016 IEP, specifically by offering a defective behavior support plan and failing to offer a Sound Field System. Student also raises issues regarding Templeton's failure to properly assess him and its improper implementation of the October 2015 IEP and the 2016 behavior support plan.

Here, Student's Case and District's Case involve a common question of law or fact, specifically whether Templeton's October 2016 IEP offers Student a FAPE. Templeton does not oppose the motion. Accordingly, consolidation is warranted and will prevent the risk of inconsistent rulings. In addition, consolidation furthers the interest of judicial economy because both cases involve at least two of the same parties, and many of the same witnesses will be required to testify in each proceeding. Each matter will also involve the introduction of the same or similar documents.

When consolidating cases, OAH designates the statutory timelines applicable to the consolidated matters to be controlled by one of the cases. Here, the statutory timelines shall be controlled by Student's Case.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2017031438, District's Case, are vacated.

3. The consolidated matter shall now proceed on the dates currently scheduled for Student's Case. 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 2017051280, Student's Case.

IT IS SO ORDERED.

DATE: June 2, 2017

DocuSigned by:
Theresa Ravandi
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THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings