BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. GLENDALE UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015071054
GLENDALE UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015091020 ORDER GRANTING MOTION TO CONSOLIDATE

On July 20, 2015, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings in OAH Case Number 2015071054 (Student's Case), naming Glendale Unified School District.

On September 25, 2015, District filed a Request for Due Process Hearing in OAH Case Number2025091020 (District's Case), naming Student.

On September 25, 2015, District filed a Motion to Consolidate Student's Case with District's Case and to vacate the due process hearing date set in OAH Case Number 2015091020 (District's Case). Student did not file an objection to the motion.

APPLICATION OF LAW AND DISCUSSION

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].)

Here, the first case and second case involve a common question of law or fact, specifically, whether the 2013-2014, 2014-2015 and 2015-2016 individualized education programs provide Student a free appropriate public education. Student has not opposed the motion. In addition, consolidation furthers the interests of judicial economy because both cases involve the same witnesses and a common question of law. Accordingly, consolidation is granted.

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).) District is requesting that the hearing dates scheduled in OAH Case No. 2015091020 (District's Case) be advanced to the previously scheduled due process hearing dates set in OAH Case No. 2015071054 (Student's Case). District's request is moot since Student's case is the primary case.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015091020 (District's Case) are vacated.
3. The consolidated matters shall proceed to due process hearing as currently scheduled in OAH Case Number 2015071054 (Student's Case), on October 27, 28, and 29, 2015. The telephonic Prehearing Conference shall take place as currently scheduled on October 16, 2015 at 1:00 p.m.
4. 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 2015071054 (Student's Case).

DATE: October 05, 2015

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings