BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LIBERTY UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2017040078
LIBERTY UNION HIGH SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017050961 ORDER GRANTING MOTION TO CONSOLIDATE

On May 19, 2017, Student filed with the Office of Administrative Hearings an Amended Request for Due Process Hearing in OAH case number 2017040078 (Student's Case), naming the Liberty Union High School District.

On May 19, 2017, Liberty Union filed a Request for Due Process Hearing in OAH case number 2017050961 (District's Case), naming Student.

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On May 23, 2017, the parties filed a Joint Stipulation and Request that the cases be consolidated, and calendared in accordance with the schedule in Student's Case.

Consolidation

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, Student's Case and District's Case involve common questions of law and fact, specifically, whether Liberty Union's assessments of Student from April 2015 to March 2017

were adequate, or whether Liberty Union's speech and language and occupational therapy assessments were inappropriate and entitle Student to independent educational evaluations at Liberty Union's expense. In addition, consolidation furthers the interests of judicial economy because many of the same witnesses will appear and many of the same documents will be introduced in both actions. Consolidation will also avoid the possibility of inconsistent judgments. Accordingly, consolidation is granted.

ORDER

1. The parties' Joint Request to Consolidate is granted.
2. All dates previously set in OAH Case Number 2017050961 (District's Case) 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 amended complaint in OAH Case Number 2017040078 (Student's Case).

IT IS SO ORDERED.

DATE: May 26, 2017

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Charles Marson
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CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings