BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SNOWLINE JOINT UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014090176
SNOWLINE JOINT UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2014100294 ORDER GRANTING MOTION TO CONSOLIDATE

On September 3, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014090176 (First Case), naming Snowline Joint Unified School District.

On October 3, 2014, District filed a Request for Due Process Hearing in OAH case number 2014100294 (Second Case), naming Student.

On October 9, 2014, District filed a Motion to Consolidate the First Case with the Second Case. On October 14, 2014, Student filed a response stating that Student does not object to the motion.

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, the First Case and Second Case involve common questions of law and fact, specifically whether the District offered Student a free appropriate public education in the least restrictive environment during the 2013-2014 and 2014-2015 school years. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because it will prevent duplication of evidence and the possibility of inconsistent decisions. Accordingly, the motion to consolidate is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH case number 2014100294 (Second Case) are vacated.
3. The prehearing conference and hearing dates in the consolidated cases shall be as set forth in the September 8, 2014 Scheduling Order issued in OAH case number 2014090176 (First Case). The Scheduling Order provides that the PHC shall be held on October 20, 2014, at 3:00 p.m., and the due process hearing shall be held on October 28, 2014, at 9:30 a.m., and shall continue day to day, Monday through Thursday as needed, at the discretion of the Administrative Law Judge.
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 2014090176 (First Case).

DATE: October 16, 2014

/s/

ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings