BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: MORGAN HILL UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016070087 ORDER DENYING MOTION TO CONSOLIDATE AND DENYING MOTION TO EXCLUDE EVIDENCE REGARDING MORGAN HILL'S ASSESSMENTS

On June 21, 2016, Student filed a due process complaint naming Morgan Hill Unified School District as respondent in OAH case number 2016070007. On July 1, 2016, Morgan Hill filed a due process hearing request against Student in OAH case number 20160087. Morgan Hill also filed a motion to consolidate the matters. On July 5, 2016, Student opposed the motion to consolidate arguing that the two cases raised different legal issues. On July 6, 2016, Morgan Hill submitted a reply to Student's opposition and requested that if consolidation were not granted, that an order be issued baring introduction of evidence regarding Morgan Hill's assessments during 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 or fact; the same parties; and when consolidating matters furthers 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].)

Initially, Morgan Hill asserted that the two matters present overlapping legal issues; namely the appropriateness of Morgan Hill's assessments completed in April, May, and June 2016. The motion further asserts that Student requested independent educational evaluations at public expense. This assertion is incorrect.

Student's case raises a single issue regarding the appropriateness of Student's offered placement for the 2016-2017 school year. Student does not raise an issue regarding the appropriateness of Morgan Hill's assessments nor does Student's case seek independent assessments as a remedy.

Here, Student is correct that the cases present distinct legal issues. Although the cases involve the same parties, they do not present a common question of law and can be resolved independently without risking inconsistent rulings. For this reason, consolidation is denied.

Evidentiary Exclusion

Morgan Hill requests an order excluding any reference to its assessments as part of Student's case. No legal authority was provided supporting this request. Additionally, evidentiary rulings regarding the admissibility of evidence will be made by the presiding Administrative Law Judge during the due process hearing.

ORDER

1. Morgan Hill's Motion to Consolidate is denied.
2. Morgan Hill's request to exclude evidence regarding assessments is denied.
3. Evidentiary rulings will be made by the ALJ during the due process hearing.

IT IS SO ORDERED.

DATE: July 8, 2016

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Joy Redmon
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JOY REDMON
Administrative Law Judge
Office of Administrative Hearings