BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. COLTON JOINT UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015090427 (Primary Case)
COLTON JOINT UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015080079 ORDER GRANTING MOTION TO CONSOLIDATE AND CONTINUE HEARING

On August 4, 2015, Colton Unified School District filed a Request for Due Process Hearing in OAH Case Number 2015080079 (District's Case), naming Student.

On September 4, 2015, Student filed a Request for Due Process Hearing in OAH Case Number 2015090427 (Student's Case), naming District.

On September 4, 2015, Student filed a Motion to Consolidate District's Case with Student's Case and vacate the due process hearing date set in OAH Case Number 2015080079 (District's Case).

On September 9, 2015, District filed an objection to consolidation on the ground that Student's Issues One through Three are a reiteration of District's issues, and Student's Issue Four has no common facts or law with District's case.

APPLICABLE 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, both cases involve a common question of law and fact. Specifically, Student's Issues One through Three involve the question of whether Student is entitled to independent educational evaluations at District expense. Student is requesting remedies which cannot be granted in District's case alone. Additionally, Student's Issues Three and Four involve questions of denial of a free appropriate public education which are related to the assessment issues raised by both parties. Further, both cases involve the same witnesses and evidence. Consolidation would further the interests of judicial economy.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015080079 (District's Case) are vacated.
3. Student's Case is the primary case. OAH shall issue a Scheduling Order and Notice of Due Process Hearing under OAH Case No. 2015090427. 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 No. 2015090427 (Student's Case).

DATE: September 15, 2015

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings