BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAN BERNARDINO COUNTY SUPERINTENDENT OF SCHOOLS, RIALTO UNIFIED SCHOOL DISTRICT, AND COLTON JOINT UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2015060423
COLTON JOINT UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2015080654 ORDER GRANTING MOTION TO CONSOLIDATE

On August 17, 2015, Colton Joint Unified School District filed for a due process hearing with the Office of Administrative Hearings in case number 2015080654 (District's Case), naming Student.

On May 21, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015060423 (Student's Case), naming San Bernardino County Superintendent of Schools, Rialto Unified School District, and District. San Bernardino County Superintendent of Schools, Rialto Unified School District, and District are represented by the same attorney.

District filed a motion to consolidate District's Case with Student's Case on August 31, 2015. On September 4, 2015, Student filed a notice of non-opposition to District's motion to consolidate.

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 asserts that Student is entitled to independent educational evaluations at District's expense because District failed to assess Student in accordance with an April 2014 agreement. District delayed in providing an assessment plan until February 2015, and again in June 2015, even though Student had requested District to fund independent educational evaluations in November 2014.

District's Case involves the same set of facts and related issues. For example, District seeks an Order allowing District to assess Student, in accordance with its proposed assessment plans, which are referred to in Student's Case, over the objection of Parents. Another issue is whether Student may request IEE's at District's expense when the last District assessments occurred more than two years before the request, referring to the same IEE request cited in Student's complaint.

Therefore, Student's Case and District's Case involve common questions of law and fact. Consolidation also furthers the interests of judicial economy because the matters involve similar witnesses and documentary evidence. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015080654 (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 complaint in OAH Case Number 2015060423 (Student's Case).
4. The dates presently scheduled in Student's Case shall apply to these consolidated matters. The mediation shall be at 9:30 a.m., October 1, 2015, at District's offices, located at 10435 Cedar Ave., Bloomington, CA 92316. The parties will participate in a prehearing conference at 1:00 p.m., October 12, 2015. Hearing is scheduled for October 22, 2015, at 9:30 a.m., and hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. Hearing will also be at District's offices.

DATE: September 04, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings