BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. MANTECA UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015120472
MANTECA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016030014 ORDER GRANTING MOTION TO CONSOLIDATE AND CONTINUING PHC ONLY

On December 10, 2015, Student filed a request for due process hearing in OAH Case No. 2015120472 (Student's Case), naming Manteca Unified School District.

On February 29, 2016, Manteca filed a request for due process hearing in OAH Case No. 2016030014 (Manteca's Case), naming Student.

On February 29, 2016, Manteca filed a motion to consolidate Manteca's Case with Student's Case. In the motion, Manteca requested that its case be heard on the same schedule as Student's case or other dates as assigned by OAH. Student did not file a response to the motion.

APPLICABLE LAW

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].)

DISCUSSION

Here, Manteca's Case and Student's Case involve common questions of law and fact. Manteca's Case asks OAH to determine whether Manteca has the right to assess Student pursuant to assessment plans dated November 20, 2015, and February 5, 2016, without Parents' consent. In Student's Case, Student alleges Manteca avoided assessing Student, was unwilling to test Student for secondary disabilities or to better understand maladaptive behaviors, and failed to respond to a Prior Written Notice request from Parent that Student be fully and completely tested for all suspected disabilities. These issues relate to the same time period, the same parties, and involve common questions of law and fact. Additionally, consolidation furthers the interests of judicial economy because the matters will likely involve many of the same witnesses and evidence. Accordingly, consolidation is granted.

Upon consolidation, OAH must determine the case that will be considered the primary case for the purposes of calculating the applicable timelines. Student's Case, OAH Case No. 2015120472, will be considered the primary case.

A prehearing conference was set for March 4, 2016, in Student's Case. The currently set PHC is continued to March 7, 2016, at 3:00 p.m. This continuance is provided to allow the parties time to file PHC statements relating to all matters at issue in this consolidated matter. The parties will have until 12:00 p.m. on Monday, March 7, 2016, to file their respective PHC statements.

ORDER

1. Manteca's Motion to Consolidate is granted.
2. Student's Case, OAH Case No. 2015120472, will be designated as the primary case for determining the applicable timelines.
3. The PHC set in Student's Case is continued to March 7, 2016, at 3:00 p.m. The parties must file their PHC statements by 12:00 p.m. on March 7, 2016, on all matters at issue in this consolidated matter.

4. All dates previously set in Manteca's Case, OAH Case No. 2016030014 are vacated. The matter will proceed on the dates set forth in Student's Case, OAH Case No. 2015120472 as follows:

Prehearing Conference:	March 7, 2016, at 3:00 p.m.
Due Process Hearing:	March 15, 2016, at 9:30 a.m., March 16 and March 17, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: March 4, 2016

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DENA COGGINS
Administrative Law Judge
Office of Administrative Hearings