BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENTS ON BEHALF OF STUDENT,

v.

PACIFIC CHARTER INSTITUTE AND VALLEY VIEW CHARTER PREP

OAH CASE NUMBER 2020060885

and

VALLEY VIEW CHARTER PREP,

v.

PARENTS ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020060931

ORDER GRANTING MOTION TO CONSOLIDATE

JULY 1, 2020

On June 25, 2020, Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2020060885, Student's Case, naming El Dorado County Charter Special Education Local Plan Area, Pacific Charter Institute, and Valley View Charter Prep. On July 1, 2020, at Student's request, OAH dismissed El Dorado County Charter Special Education Local Plan Area as a party.

On June 26, 2020, Valley View Charter Prep filed a Request for Due Process Hearing in OAH case number 2020060931, Charter's Case, naming Student.

On June 30, 2020, the parties jointly filed a Motion to Consolidate Student's Case with Charter's Case.

CONSOLIDATION

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, 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 and Charter's Case involve a common question of law or fact. Specifically, Student contends Valley View Charter Prep and others failed to timely respond to Parents' April 24, 2020 disagreement with the February 2019 triennial psychoeducational assessment and request for independent educational evaluation and asserts, due to the responding parties' failure to either fund the independent evaluation or file a request for due process hearing to obtain an order determining the February 12, 2019 triennial psychoeducational assessment satisfied all legal

requirements, Student is now entitled to an independent evaluation at public expense. Valley View Charter Prep contents the February 12, 2019 triennial psychoeducational assessment, including academic report, satisfied all legal requirements, and Student therefore is not entitled to an independent evaluation at public expense. Accordingly, consolidation is granted.

ORDER

1. The parties' Motion to Consolidate is granted.
2. Student's Case is designated as the Primary Case. All dates previously set in Charter's Case, OAH case number 2020060931, 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 Primary Case, OAH case number 2020060885.

IT IS SO ORDERED.

DocuSigned by:
Kara Hatfield
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Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings