BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. ESCONDIDO UNION ELEMENTARY SCHOOL DISTRICT,	OAH Case No. 2018041322
ESCONDIDO UNION ELEMENTARY SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2018020192 ORDER GRANTING MOTION TO CONSOLIDATE

On February 18, 2018, Escondido Union Elementary School District filed with the Office of Administrative Hearings, a Request for Due Process Hearing in OAH case number 2018020192 (District's Case), naming Student.

On April 30, 2018, Student filed a Request for Due Process Hearing in OAH case number 2018041322 (Student's Case), naming District.

On May 1, 2018, Student filed a Motion to Consolidate Student's Case with District's Case and requested the consolidated matters proceed on the dates scheduled for Student's Case.

On May 3, 2018, District filed a non-opposition to the motion.

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 and District's Case involve common questions of law or fact, specifically, Student's complaint challenges the appropriateness of District's assessments in the areas of speech, language, and academics. Student's complaint further contends the October 16, 2017 individualized education program failed to offer Student a free appropriate public education. District's complaint seeks to defend the appropriateness of its speech, language and academic assessments; contending Student is not entitled to publicly funded independent educational evaluations in those areas. District's complaint also seeks a finding that the October 16, 2017 IEP offered Student a FAPE in the least restrictive environment. District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the same evidence and witnesses will be presented in both cases on the issues of the appropriateness of the assessments and the IEP offer. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH case number 2018041322, is designated as the primary case. The consolidated matters will proceed on the dates set in Student's Case. All dates previously set in District's Case, OAH case number 2018020192, 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 Student's Case, OAH case number 2018041322.

DATE: May 4, 2018

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Rommel P. Cruz
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ROMMEL P. CRUZ
Administrative Law Judge
Office of Administrative Hearings