BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LAWNDALE ELEMENTARY SCHOOL DISTRICT,	OAH Case No. 2015040124
LAWNDALE ELEMENTARY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015010519 ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING CONTINUANCE

On January 13, 1015, Lawndale Elementary School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015010518 (First Case), naming Student.

On April 2, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015040124 (Second Case), naming District.

On April 3, 2015, Student filed a Motion to Consolidate the First Case with the Second Case.

On April 8, 2015, District filed an objection to consolidation on the asserted ground that Student's and District's claims covered different time periods and that District's case concerned the appropriateness of District's offer of special education placement and services for the 2014-2015 school year whereas Student's case concerned the appropriateness of the special education placement and services District provided for the 2014-2015 school year.

On April 9, 2015, Student filed a reply to District's objection.

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, the First Case and Second Case involve a common question of law or fact, specifically, whether District's offer of special education placement and services for the 2014-2015 school year was appropriate. The First Case involves the question of "[w]hether the March 26, 2014 IEP, as supplemented by the April 15, 2014 IEP and as finalized in the June 3, 2014 IEP, offers Student a free appropriate public education such that District may implement the IEP without parental consent." The Second Case involves the questions of whether, for the 2013-2014 and 2014-2015 school years, District denied Student a free appropriate public education by failing to develop appropriate academic goals, by failing offer Student an appropriate placement, and by failing to offer Student appropriate related services, specifically behavior support and services and resource support for reading and comprehension. Student has requested compensatory education and reimbursement for expenses Parent incurred supplementing District's allegedly inadequate program. Litigation of the issue in the First Case without consideration of the Second case would not necessarily bring finality to the matter regarding the dispute over the adequacy of District's offer for the 2015-2015 school year. If District's case were litigated alone and if District did not prevail in proving that "the March 26, 2014 IEP, as supplemented by the April 15, 2014 IEP and as finalized in the June 3, 2014 IEP, offers Student a free appropriate public education such that District may implement the IEP without parental consent," the result of the case would be an order only determining that District did not offer Student a FAPE in the 2014-2015 school year. An issue in the Second Case, specifically what remedy or remedies to which Student might be entitled as a consequence of District's failure to offer an appropriate educational program for the 2014-2015 school year, would still need to be litigated in a separate hearing. Resolution of the more narrow issue in the First Case without consolidation with the broader issues in the Second Case might not avoid the necessity of a second hearing and would not capture the judicial economy that could be gained from a consolidated hearing. Although the Second Case includes issues beyond the single issue of the First Case, the two matters do involve common questions of fact and law. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015010519 [First Case] are vacated and continued to the dates currently scheduled in OAH Case Number 2015040124 [Second Case].

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 2015040124 [Second Case].

DATE: April 10, 2015

/s/
KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings