BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. AVESON GLOBAL LEADERSHIP ACADEMY ,	OAH Case No. 2018110119
AVESON GLOBAL LEADERSHIP ACADEMY , v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2019010133 ORDER GRANTING JOINT MOTION TO CONSOLIDATE

On November 2, 2018, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2018110119 (Student's Case), naming Aveson Global Leadership Academy.

On January 4, 2019, Aveson filed a Request for Due Process Hearing in OAH case number 2019010133 (District's Case), naming Student.

On January 9, 2019, the parties filed a joint stipulation to consolidate Student's case with District's case and to follow the scheduling dates currently set in Student's case. This is considered a joint request to consolidate.

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, Student's Case and District's Case involve a common question of law or fact. Specifically, Student's case involves alleged denials of a free appropriate public education for the 2017-2018 and 2018-2019 school years and seeks reimbursement for unilateral placement. District's case alleges that its November 5, 2018 individualized education program offered Student a free appropriate public education for the 2018-2019 school year such that it may implement the IEP over Parent objection. Additionally, District's case alleges that it is not obligated to reimburse Parents for Student's unilateral placement. Consolidation furthers the interests of judicial economy as the cases will involve common questions of law or fact and the same witnesses and documentary evidence. Accordingly, consolidation is granted.

The parties' joint request for consolidation is Granted.

ORDER

1. The parties' Joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2019010133, 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 2018110119, Student's Case.

IT IS SO ORDERED.

DATE: January 11, 2019

DocuSigned by:
Rita DeFilippis
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RITA DEFILIPPIS
Administrative Law Judge
Office of Administrative Hearings