BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. BONITA UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014100434
BONITA UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2014080290 ORDER GRANTING MOTION TO CONSOLIDATE

On August 5, 2014, Bonita Unified School District filed a Request for Due Process Hearing in Office of Administrative Hearings case number 2014080290 (First Case), naming Parent on Behalf of Student. On August 29, 2014, the First Case was continued at request of Student to allow Parents to retain counsel. The First Case's prehearing conference was continued to October 13, 2014, with hearing dates of October 20 through 24, 2014.

On October 10, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014100434 (Second Case), naming District. On October 10, 2014, Student also filed a Motion to Consolidate the First Case with the Second Case.

Administrative law judge Clifford H. Woosley convened the prehearing conference in the First Case on October 13, 2014. At that time, the Student's motion to consolidate was discussed and argued.

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].)

District opposes Student's motion to consolidate because consolidation would again delay the hearing on District's complaint and the sole issue of whether its offer of placement and services to Student is a free appropriate public education in the least restrictive environment. District has diligently prosecuted its complaint and opposes any further delay of hearing.

Student's counsel is newly retained, having noticed representation but one week ago. Here, the issues in Student's complaint are the very same as those that Student would assert in defense of District's complaint. Therefore, the First Case and Second Case involve common questions of law and fact. Consolidation furthers the interests of judicial economy because the same witnesses and exhibits will be utilized in both matters. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014080290 [First 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 2014100434 [Second Case].
4. The lead case for purpose of all further filings shall be in the Second Case, OAH Case Number 2014100434.
5. The dates of mediation, prehearing conference, and hearing are those set forth in the Second Case's October 13, 2014 scheduling order.

DATE: October 14, 2014

/s/
CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings