

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

TAMALPAIS UNION HIGH SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2013110530

PARENT ON BEHALF OF STUDENT,

v.

TAMALPAIS UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2013100394

ORDER GRANTING MOTION TO
CONSOLIDATE

On October 8, 2013, Student filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) Case Number 2013100394 (First Case), naming the Tamalpais Union High School District (District).

On November 14, 2013, the District filed a Request for Due Process Hearing in OAH Case Number 2013110530 (Second Case), naming Student. On that same day the District filed a Motion to Consolidate the First Case with the Second Case. Student did not file a response.

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, the First Case and Second Case involve the same parties and common questions of law and fact. In the First Case, Student contends that the District based a decision to deny Student eligibility for special education in part on a certain psychoeducational assessment

that was invalid, and that the District failed to assess him in all areas of suspected disability. In the Second Case, the District contends that the same psychoeducational assessment is appropriate and thus it should not have to finance an independent educational evaluation in that area, and that it has not assessed Student in the area of emotional disturbance because Parents have refused to sign an assessment plan. As a result the matters will involve much of the same evidence and many of the same witnesses. Consolidation will therefore further the interests of judicial economy and the avoidance of possibly inconsistent judgments. In addition, Student does not oppose the motion. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013100394 (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 2013110530 (Second Case).

Dated: November 22, 2013

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings