

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

v.

ROSEVILLE CITY ELEMENTARY
SCHOOL DISTRICT,

OAH Case No. 2014090605

ROSEVILLE CITY ELEMENTARY
SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2014070751

ORDER GRANTING STUDENT'S
MOTION TO CONSOLIDATE

On July 15, 2014, the Roseville City Elementary School District filed a Request for Due Process Hearing in Office of Administrative Hearings case number 2014070751 (First Case), naming Student.

On September 16, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014090605 (Second Case), naming Roseville.

On the same day Student filed his Request for Due Process Hearing, Student filed a motion to consolidate his case with that of Roseville. Roseville has not filed an opposition or other response to Student's motion.

APPLICABLE LAW AND DISCUSSION

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, Roseville's case and Student's case involve common questions of law or fact. Both cases raise the issue of whether Roseville's assessments of Student were appropriate, and whether Roseville is required to fund independent educational evaluations for Student. Additionally, both cases raise the issue of whether Roseville has provided Student with a free appropriate public education since he began attending school in that district. Because the cases involve many of the same issues, the parties will most likely call similar witnesses and present similar exhibits for admission at hearing. Therefore, consolidation of the cases furthers the interests of judicial economy. Accordingly, Student's motion to consolidate the two cases is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014070751 [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 2014090605 [Second Case].
4. The scheduled dates for the mediation, prehearing conference, and due process hearing already on calendar for the Second Case shall proceed for the consolidated matter pursuant to the Scheduling Order issued on September 17, 2014.

DATE: September 22, 2014

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings