

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
FATHER ON BEHALF OF STUDENT,	OAH Case No. 2014110312 (Primary)
v.	
SPENCER VALLEY ELEMENTARY SCHOOL DISTRICT,	
SPENCER VALLEY ELEMENTARY SCHOOL DISTRICT,	OAH Case No. 2014100761
v.	
PARENTS ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On October 20, 2014, the Spencer Valley Elementary School District filed a Request for Due Process Hearing in OAH case number 2014100761 (District's Case), naming Parents on Behalf of Student.

On November 3, 2014, Father on Behalf of Student filed a Request for Due Process in OAH case number 2014110312 (Student's Case), naming District.

On November 7, 2014, the parties filed a joint stipulation to consolidate the two cases, which the Office of Administrative Hearings will treat as a Motion to Consolidate.

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, the parties assert that District's case and Student's case involve common issues of fact and law. District's due process request raises two primary issues: first, whether its assessment of Student is valid such that it is not required to fund an independent educational evaluation requested by Parents and, second, whether its 2014 individualized education plans offer Student a free appropriate public education in the least restrictive environment. Student's issues all allege procedural violations of Father's ability to participate in Student's educational process. There is some crossover between the issues, and litigation of the issues will involve some of the same witnesses and documents. Therefore, consolidation of the two cases furthers the interests of judicial economy in avoiding two hearings where some of the same witnesses and exhibits will be presented.

For these reasons, the parties' motion to consolidate the two cases is granted.

ORDER

1. The parties' joint motion to consolidate is granted.
2. All dates previously set in OAH Case Number 2014100761 [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 2014110312 [Student's Case], which is now designated the primary case.
4. The hearing dates in the consolidated matters shall be as set forth in the Scheduling Order issued in Student's Case, and are confirmed unless otherwise ordered.

DATE: November 12, 2014

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings