

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2014110630
v.	
WESTMINSTER SCHOOL DISTRICT,	
WESTMINSTER SCHOOL DISTRICT,	OAH Case No. 2014080827
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On August 25, 2014, the Westminster School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2014080827 (First Case), naming Parent on behalf of Student as respondent.

On November 14, 2014, Student filed with OAH a Request for Due Process Hearing in OAH case number 2014110630 (Second Case), naming Westminster as respondent.

On November 17, 2014, Student filed with OAH a Motion to Consolidate the First Case with the Second Case and to continue the due process hearing date set in Case Number 2014080827 (First Case).

On November 20, 2014, Westminster filed a statement of non-opposition to Student's motion to consolidate.

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 a common question of law or fact, specifically, the appropriateness of the District's June 6, 2014 multidisciplinary assessment. Westminster does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the same witnesses will be required in both cases. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted. OAH Case Number 2014110630 [Second Case] is designated the primary case.
2. All dates previously set in OAH Case Number 2014080827 [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 2014110630 [Second Case].
4. The consolidated case will proceed pursuant to the Scheduling order dated November 19, 2014 in OAH Case Number 2014110630 [Second Case].

DATE: November 24, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings