

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH Case No. 2014110407

v.

CAPISTRANO UNIFIED SCHOOL
DISTRICT,

CAPISTRANO UNIFIED SCHOOL
DISTRICT

OAH Case No. 2015010493

v.

ORDER GRANTING MOTION TO
CONSOLIDATE

PARENTS ON BEHALF OF STUDENT.

On November 3, 2014, parents on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2014110407 (First Case) naming Capistrano Unified School District as respondent.

On January 14, 2015, Capistrano filed with OAH a Request for Due Process Hearing in OAH case number 2015010493 (Second Case), naming Student as respondent.

On January 14, 2015, Capistrano filed a Motion to Consolidate the First Case with the Second Case.

On January 20, 2015, Student filed with OAH a statement of non-opposition to the motion.

CONSOLIDATION 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].)

Student's complaint in the First Case alleges that Capistrano failed to provide Student a free appropriate public education because it has failed to provide Student with an appropriate amount of services, including failure to provide Student with home hospital; instruction for three days per week. Capistrano's complaint in the Second Case contains a single issue: Whether Capistrano's April 22, 2014 assessments were appropriate. Both cases involve consideration of Student's unique needs, including his medical needs, and involve the same witnesses. Thus, consolidation furthers the interests of judicial economy. Accordingly, consolidation is granted.

ORDER

1. Capistrano's Motion to Consolidate is granted. OAH Case Number 2014110407 (First Case) shall be designated as the primary case.
2. All dates previously set in OAH Case Number 20150104493 (Second Case) are vacated.
3. The consolidated cases shall proceed pursuant to the December 16, 2014 order granting the joint request for continuance as follows: Prehearing Conference on February 9, 2015 at 10:00 a.m., and the Due Process Hearing on February 17, 2015, and continue day to day Monday through Thursday as needed at the discretion of the ALJ.
4. 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 2014110407 (First Case).

DATE: January 20, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings