

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015010862
v.	
RIVERSIDE UNIFIED SCHOOL DISTRICT,	
RIVERSIDE UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014100962
v.	ORDER GRANTING MOTION TO CONSOLIDATE
PARENT ON BEHALF OF STUDENT.	

On October 27, 2014, Riverside Unified School District filed a Request for Due Process Hearing in OAH case number 2014100962 (First Case), naming Student.

On January 23, 2015, Parent on behalf of Student filed a Request for Due Process Hearing in OAH case number 2015010862 (Second Case), naming District.

On January 26, 2015, Student filed a Motion to Consolidate the First Case with the Second Case. On January 29, 2015, District filed a Notice of Non-Opposition to Student's request for consolidation.

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. In the First Case, District seeks a determination that it is not obligated to fund Student's request for an independent psycho-educational evaluation and that, should it be required to do so, District need not fund the evaluator designated by Student. In the Second Case, Student asserts seven issues, two of which involve those raised in the First Case. The Second Case's remaining five issues involve Student's claims that he was denied a free and appropriate public education and would require the testimony of witnesses who would also testify regarding the two cases' common issues regarding the independent educational evaluation.

The District does not oppose the consolidation and agrees that the two cases involve common questions of fact and law. Accordingly, consolidation furthers interests of judicial economy and is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014100962 [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 2015010862 [Second Case].
4. The Second Case's presently scheduled mediation, prehearing conference, and hearing dates apply to these consolidated cases.
5. All further pleadings in these consolidated cases shall be filed in the Second Case.

DATE: February 2, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings