

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

COASTAL ACADEMY,

OAH Case No. 2015020889
(Primary Case)

COASTAL ACADEMY,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015020206

ORDER GRANTING MOTION TO
CONSOLIDATE

On February 2, 2015, District filed a Request for Due Process Hearing in OAH Case No. 2015020206 (First Case), naming Student.

On February 19, 2015, Student filed a Request for Due Process Hearing in OAH Case No. 2015020889 (Second Case), naming Student.

On February 19, 2015, Student filed a Motion to Consolidate the First Case with the Second Case and to continue the due process hearing date to the date set in Case Number 2015020889 (Second Case).

On February 20, 2015, District filed a notice of non-objection to consolidation and continuance.

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 First Case and Second Case involve a common question of law and fact regarding the issue of timely assessment of Student. District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases involve the same witnesses and evidence. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case No. 2015020206 (First Case) are vacated. OAH Case No. 2015020889 (Second Case) is deemed the primary case. 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 No.2015020889 (Second Case).

DATE: February 20, 2015

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings