

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015061227
v.	
CAMBRIAN SCHOOL DISTRICT,	
CAMBRIAN SCHOOL DISTRICT,	OAH Case No. 2015060994
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On June 19, 2015, Cambrian School District filed a Request for Due Process Hearing in OAH case number 2015060994 (First Case), naming Parent on behalf of Student. This matter is currently set for hearing on July 14, 2015.

On June 24, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015061227 (Second Case), naming Cambrian. This matter is currently set for hearing on August 18, 2015.

On June 30, 2015, the parties filed a joint Motion to Consolidate both cases.

APPLICABLE LAW

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].)

DISCUSSION

Here, the First Case and Second Case involve common questions of law and fact. Cambrian's issue for hearing is whether its psycho-educational evaluation discussed at a January 2015 individualized education program team meeting met all legal requirements such that Student is not entitled to an independent educational evaluation at public expense.. Student similarly identifies as an issue for hearing whether Cambrian appropriately responded to Student's request for an independent evaluation without unnecessary delay. As a remedy, Student seeks an independent educational evaluation funded by Cambrian. Student also alleges that he was denied a free appropriate public education during the 2014-2015 school year because Cambrian failed to provide him copies of his educational records, failed to develop goals in the area of social skills, and failed to offer a placement in the least restrictive environment.

These cases present common questions of law or fact regarding the appropriateness of Cambrian's psycho-educational assessment, the appropriateness of its IEP offer based upon this assessment, and the appropriateness of Cambrian's response to Student's request for an independent evaluation. Consolidation, therefore, is warranted and will prevent the risk of inconsistent rulings.

In addition, consolidation furthers the interests of judicial economy because both cases involve the same parties, and many of the same witnesses would be required to testify in each proceeding. Each matter will also involve the introduction of the same or similar documents including the underlying psycho-educational assessment. Accordingly, consolidation is granted.

When consolidating cases, OAH designates the statutory timelines applicable to the consolidated matters to be controlled by one of the cases. Here, the statutory timelines shall be controlled by the Second Case.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. All dates previously set in the First Case, OAH Case Number 2015060994, are vacated.
3. The consolidated cases shall now be heard on the dates set for the Second Case, OAH Case Number 2015061227. Specifically, mediation will be on July 29, 2015, at 9:30 a.m., with a prehearing conference on August 10, 2015, at 10:00 a.m., and the hearing will begin on August 18, 2015, at 9:30 a.m.

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 the Second Case, OAH Case Number 2015061227.

DATE: July 1, 2015

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings