

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

GREENFIELD UNION SCHOOL
DISTRICT-BAKERSFIELD,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015060090

PARENT ON BEHALF OF STUDENT

OAH Case No. 2015061203

v.

GREENFIELD UNION SCHOOL DISTRICT-
BAKERSFIELD,

ORDER GRANTING MOTION TO
CONSOLIDATE

On May 28, 2015, Greenfield Union School District-Bakersfield filed a Request for Due Process Hearing (complaint) in OAH Case No. 2015060090 (District's Case), naming Student. On June 5, 2015, District cancelled the mediation set for June 11, 2015, in District's Case due to District's unavailability on that date, and mediation has not yet been rescheduled in District's Case. On June 17, 2015, OAH continued the hearing in District's Case to August 18-20, 2015, and the prehearing conference to August 7, 2015.

On June 22, 2015, Student filed a complaint in OAH Case No. 2015061203 (Student's Case), naming District.

On June 23, 2015, Student filed a Motion to Consolidate Student's Case with District's Case. Student's Motion did not express any preferences with regard to scheduling.

On June 29, 2015, District filed notice that it did not object to Student's motion to consolidate, and requested that the consolidated matters be set for the dates set in District's Case.

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, Student's Case and District's Case involve the same parties and common questions of law or fact. Specifically, District seeks a determination that it properly conducted speech and language and nursing assessments of Student that were reviewed at Student's individualized education program team meetings in March 2015, and that Student therefore is not entitled to independent educational evaluations in those areas at District's expense. Student contends that, in conducting its assessments and developing Student's March 2015 IEP's, District committed procedural and substantive violations of the Individuals with Disabilities Education Act, its regulations, and California statutes and regulations intended to implement it (20 U.S.C. § 1400 et. seq.; 34 C.F.R. § 300.1 (2006) et seq.; Ed. Code, § 56000, et seq.; Cal. Code. Regs., tit. 5, § 3000 et seq.) that denied Student a free appropriate public education.

The above issues will involve substantially the same facts, witnesses and documents, and consolidation furthers the interests of judicial economy by avoiding two hearings between the parties in which they would present the same evidence. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. District's Case, No. 2015060090 is designated as the primary case in the consolidated matters, and all future pleadings and other documents in the consolidated matters are to be maintained in that case file.
3. All dates previously set in Student's Case, OAH Case No. 2015061203, are vacated.
4. The consolidated matters will proceed on the dates currently scheduled in District's Case, No. 2015060090, as follows:

Mediation:	Cancelled and not rescheduled. ¹
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Prehearing Conference:	August 7, 2015, at 10:00 a.m.
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¹ The parties may call OAH to schedule a mediation date should they wish to reschedule.

Due Process Hearing: August 18, 2015 at 9:30 a.m., August 19 and 20, 2015 at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

5. The 45-day timeline for issuance of the decision in the consolidated matters shall be based on the filing date for District's Case, No. 2015060090, and on the continuance granted on June 17, 2015 in that matter.

DATE: July 02, 2015

/s/

JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings