

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015110595
v.	
FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT,	
FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015090251
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On September 4, 2015, Folsom Cordova Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015090251 (District's Case), naming Student.

On November 16, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015110595 (Student's Case), naming Folsom Cordova.

On November 17, 2015, Student filed a Motion to Consolidate Student's Case with District's Case. On November 17, 2015, Folsom Cordova filed a Non-Opposition to Student's Motion to Consolidate.

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, District's Case and Student's Case involve a common question of law or fact. Folsom Cordova seeks a finding that its May 2014 academic and behavioral assessments were appropriate and legally compliant such that Student is not entitled to IEE's at public expense. Student asserts that District's refusal to grant the IEE request resulted in a denial of FAPE. Both issues necessitate reviewing common facts and similar questions of law. In addition, Folsom Cordova seeks a determination that its April 9, 2015 IEP offer provides Student a FAPE and an order that Folsom Cordova can implement the IEP without parental consent, and Student claims that Folsom Cordova denied Student a FAPE during the 2014-2015 and 2015-2016 school years. The issues in both cases thus relate to the same time period and involve common facts and legal analyses. Folsom Cordova does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the matters will likely involve many of the same documents and witnesses. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015090251 (District's Case) are vacated.
3. The matter will proceed on the dates currently set in OAH Case Number 2015110595 (Student's case).
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 2015110595 (Student's Case).

DATE: November 20, 2015

/s/
LISA LUNSFORD
Administrative Law Judge
Office of Administrative Hearings