

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2019030280
v.	
SANTA ANA UNIFIED SCHOOL DISTRICT,	
SANTA ANA UNIFIED SCHOOL DISTRICT,	OAH Case No. 2019040580
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On March 6, 2019, Parent on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2019030280 (Student's Case), naming Santa Ana Unified School District. On April 12, 2019, Santa Ana filed a Request for Due Process Hearing in OAH case number 2019040580 (District's Case), naming Parent on behalf of Student.

On April 15, 2019, Santa Ana filed a Motion to Consolidate Student's Case with District's Case. On April 19, 2019, Student filed a non-opposition to the motion, but requested that the Student's Case be primary, and that the dates for mediation and hearing already set by the parties in Student Case remain on schedule.

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 a common question of law or fact. Student's Case alleges that Santa Ana denied Student a free appropriate public education by

failing to conduct appropriate evaluations for Student in the areas of speech and language, occupational therapy, educationally related mental services, and functional behavior. Student requests Santa Ana fund an independent educational evaluation. District's Case seeks a finding that its November 16, 2018 assessments were appropriate, and that it is not required to fund an independent evaluation. Student does not oppose the motion, as long as the existing dates set in Student Case remain on schedule. Because there are common issues of law and fact, and because consolidation will further the interests of judicial economy, consolidation is granted. Student's Case is the primary case.

ORDER

1. Santa Ana's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2019040580 (District's Case) are vacated. The consolidated matters will proceed to mediation and hearing on the dates set in Student's case. All dates are confirmed.
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 2019030280 (Student's Case).

IT IS SO ORDERED.

DATE: April 19, 2019

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BRIAN H. KRIKORIAN

Administrative Law Judge

Office of Administrative Hearings