

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2019040899

v.

MOUNTAIN VIEW SCHOOL DISTRICT,

MOUNTAIN VIEW SCHOOL DISTRICT,

OAH Case No. 2019040744

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On April 18, 2019, Mountain View School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2019040744 (District's Case), naming Student. On April 22, Student filed a Request for Due Process Hearing in OAH case number 2019040899 (Student's Case), naming Mountain View. On April 24, 2019, Student filed a Motion to Consolidate Student's Case with District's Case. Mountain View does not object to the motion.

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 common questions of law and fact. Mountain View has requested a due process hearing on three issues. At issue in both cases is whether Mountain View must reimburse Student for two independent educational evaluations. Mountain View seeks an Order that its May 8, 2018 individual educational program was appropriate, and that Mountain View offered Student a free appropriate public education. Student challenges the May 8, 2018 IEP and a November 1, 2017 IEP and whether the Mountain View provided Student a FAPE.

In both cases, the parties will rely upon the same testimony and evidence to prove their respective positions. This will include the individual assessors, and the evidence surrounding the assessments and the IEP documents. This will also include testimony from witnesses in both cases, who were involved in the IEP meetings. In addition, consolidation furthers the interests of judicial economy because it will avoid duplicative hearings and inconsistent rulings. Mountain View does not oppose the consolidation of the cases. Accordingly, consolidation is granted. Student's Case is primary.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2019040744 (District's Case) are vacated.
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 2019040899 (Student's Case). All dates are confirmed.

IT IS SO ORDERED.

DATE: April 29, 2019

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BRIAN H. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings