BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013031004
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH CASE NO. 2013040364
In the Matter of: WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013060755 ORDER GRANTING MOTION TO CONSOLIDATE

On March 27, 2013, Parents on behalf of Student filed with the Office of Administrative Hearings (OAH) a due process hearing request (complaint) naming the West Contra Costa Unified School District (District). This case was designated OAH Case Number 2013031004 (first case). On April 9, 2013, District filed a complaint naming Student. That second case was designated OAH Case Number 2013040364 (second case). On May 9, 2013, OAH consolidated the two cases.

On June 17, 2013, the District filed another complaint against Student. That third case was designated OAH Case Number 2013060755 (third case). On June 19, 2013, the District moved to consolidate the third case with the first two. Student did not file a response to the motion

APPLICABLE LAW AND DISCUSSION

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 in the First Case alleges that the District denied him a free appropriate public education (FAPE) in a variety of ways, including by failing to assess him adequately during its triennial assessment. The District alleges in the Second Case that it should be allowed to complete its triennial assessment notwithstanding conditions on some of the assessments demanded by Parents. In the Third Case the District alleges that its speech and language assessment of February 11, 2013, part of its triennial assessments, was appropriate and it is therefore entitled to deny Parent's request for an independent educational evaluation relating to speech and language. Thus all three cases involve common questions of law and fact relating to the adequacy of the District's triennial assessments of Student. Consolidation would therefore further the interests of judicial economy because many of the issues in the three cases involve the same evidence and witnesses. Student does not oppose the motion to consolidate. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Numbers 2013040364 (First Case) and 2013060755 (Third 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 second amended complaint (deemed filed on June 20, 2013) in OAH Case Number 2013031004 [Second Case]. All dates now on calendar in OAH Case Number 2013031004 (Second Case) are confirmed.

Dated: June 29, 2013

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings