BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. ESCONDIDO UNION SCHOOL DISTRICT,	OAH Case No. 2017040003
ESCONDIDO UNION SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017050705 ORDER GRANTING MOTION TO CONSOLIDATE

On March 28, 2017, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2017040003 (Student's Case), naming Escondido Union School District. On April 27, 2017, OAH granted Student's Motion to Amend the complaint.

On May 15, 2017, District filed a Request for Due Process Hearing with OAH in OAH case number 2017050705 (District's Case), naming Student.

On May 31, 2017, District filed a Motion to Consolidate District's Case with Student's Case

On June 2, 2017, Student filed a non-opposition to District's Motion to Consolidate but requested that the hearing dates in the consolidated matter be set to the dates assigned to Student'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].)

Student's amended complaint contains seven issues, including whether District assessed Student in all areas of suspected disability during the 2016-2017 school year and whether District timely assessed Student in all areas of suspected disability following a December 5, 2016 individualized education program meeting. District's complaint contains two issues, including whether Student is entitled to independent educational evaluations at public expense and whether District may assess Student without parental consent pursuant to an April 4, 2017 assessment plan. These issues are likely to involve common questions of law and fact; and the same witnesses and exhibits. Additionally, it is in the interests of judicial economy for OAH to adjudicate the parties' issues in one due process hearing.

Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in District's Case, OAH case number 2017050705 are vacated.
3. Student's Case, OAH case number 2017040003 shall be the primary case in the consolidated matters. All future documents shall be filed in Student's Case.
4. All mediation, prehearing conference, and due process hearing dates for the consolidated matters shall be as scheduled in Student's Case.
5. The 45-day timeline for issuance of the decision in the consolidated matters shall be based on the date of the filing of the amended complaint in Student's Case, OAH case number 2017040003.

DATE: June 5, 2017

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Tara Doss
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TARA DOSS
Administrative Law Judge
Office of Administrative Hearings