BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

ROSEVILLE JOINT UNION HIGH SCHOOL DISTRICT,

OAH CASE NUMBER 2019080072

and

ROSEVILLE JOINT UNION HIGH SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2019100792

ORDER GRANTING MOTION TO CONSOLIDATE

On July 31, 2019, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2019080072, First Case, naming the Roseville Joint Union High School District.

On October 21, 2019, Roseville filed a Request for Due Process Hearing in OAH case number 2019100792, Second Case, naming Parents on behalf of Student.

On October 22 2019, Roseville filed a Motion to Consolidate First Case with Second Case.

On October 24, 2019, Student filed an objection to consolidation on the ground that Roseville, in waiting to October 21, 2019 to file its due process hearing request, should be denied consolidation under the doctrine of laches.

CONSOLIDATION

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, 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, First Case and Second Case involve common questions of law and fact. Specifically, they are whether Roseville's May 23, 2019 offer of placement and services constituted a free appropriate public education; whether Roseville may implement that offer without parental consent; and whether Roseville was justified in relying on the cost policy of its Special Education Local Plan Area to decline to fund requested independent educational evaluations by assessors chosen by Parents. In addition, consolidation furthers the interests of judicial economy because many of the same witnesses and documents will be involved in both cases. Consolidation also avoids the risk of inconsistent judgments. Accordingly, consolidation is granted.

ORDER

1. Roseville's Motion to Consolidate is granted.
2. Second Case is designated as the primary case. All dates previously set in First Case, OAH case number 2019080072, 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 Second Case, OAH case number 2019100792.
4. The scheduled dates and times for PHC and due process hearing in case number 2019100792 are confirmed. The PHC shall be held at 3:00 p.m. on November 4, 2019, and the due process hearing on November 13 and 14, 2019.

IT IS SO ORDERED.

DATED: October 30, 2019

DocuSigned by:
Charles Marson
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Charles Marson
Administrative Law Judge
Office of Administrative Hearings