BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LODI UNIFIED SCHOOL DISTRICT,	OAH Case No. 2017070105
LODI UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017061238 ORDER GRANTING MOTION TO CONSOLIDATE

On June 26, 2017, Lodi Unified School District filed a Request for Due Process Hearing with the Office of Administrative Hearings, naming Student. OAH designated this case as OAH case number 2017061238 (District's Case). On July 5, 2017, Student filed a Request for Due Process Hearing with OAH, naming District. OAH designated this case as OAH case number 2017070105 (Student's Case). On July 5, 2017, Student filed a Motion to Consolidate Student's Case with District's Case. District did not file an objection to the Motion to Consolidate.

LEGAL AUTHORITY

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].)

DISCUSSION

Consolidating Student's Case and District's Case is appropriate because the cases involve common questions of law and fact, and the same parties. District's Case asserts two issues: (1) Whether District is entitled to assess Student without parental consent pursuant to a March 15, 2017 assessment plan; and (2) Whether District is entitled to decline Parent's request for an independent educational evaluation. Student's Case asserts three issues: (1) Whether District denied Student a free appropriate public education over two school years; (2) Whether District allowed Parent meaningful participation in Student's individualized education program process; and (3) Whether District inappropriately denied Parent the opportunity to obtain an independent educational evaluation.

These issues are likely to rely upon many of the same witnesses and documentary evidence. Thus, consolidation of the cases furthers the interest of judicial economy by resolving the parties' issues in one due process hearing.

ORDER

1. Student's Motion to Consolidate is granted.

2. All dates previously set in District's Case OAH case number 2017061238 are vacated.

3. The consolidated matters shall proceed on the dates set in Student's Case OAH case number 2017070105.

4. Student's Case shall be the primary case in the consolidated matters. All future documents shall be filed 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 complaint in Student's Case OAH case number 2017070105.

DATE: July 11, 2017

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Tara Doss
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TARA DOSS
Administrative Law Judge
Office of Administrative Hearings