BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CAPISTRANO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016070290
CAPISTRANO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016041030 ORDER GRANTING MOTION TO CONSOLIDATE

On April 25, 2016, Capistrano Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016041030 (District's Case), naming Student.

On July11, 2016, Student filed a Request for Due Process Hearing in OAH case number 2016070290 (Student's Case), naming Capistrano.

On July 11, 2016, Student filed a Motion to Consolidate District's Case with Student's Case.

On July 13, 2016, Capistrano filed a non-opposition to Student's motion to consolidate.

APPLICABLE LAW

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

District's sole issue for hearing is whether its multidisciplinary assessment of Student presented at Student's initial individualized education program team meeting on March 9, 2016, appropriately evaluated Student's needs, and complied with all legal requirements, such that Parent is not entitled to a publically-funded independent educational evaluation.

Student's complaint similarly identifies as an issue for hearing whether Capistrano's speech and language assessment was appropriate and whether it completely and accurately assessed Student's needs. Student additionally raises the issues of whether Capistrano timely provided Parent with a full copy of Student's education records and whether it denied Parent meaningful participation in the decision-making process when it refused to provide copies of Student's Response to Intervention records.

Student's Case and District's Case involve common questions of law and fact, and involve the same time frame. Therefore, consolidation is warranted and will prevent the risk of inconsistent rulings. In addition, consolidation furthers the interests of judicial economy because both cases involve the same parties, and many of the same witnesses would be required to testify in each proceeding. Each matter will also involve the introduction of the same or similar documents including the multidisciplinary assessment report. Accordingly, consolidation is granted.

When consolidating cases, OAH designates the statutory timelines applicable to the consolidated matters to be controlled by one of the cases. Here, the statutory timelines shall be controlled by Student's Case.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2016041030, District's Case, are vacated.
3. The consolidated matter shall now be held on the dates previously assigned to Student's Case. Namely, mediation shall be held on August 16, 2016, beginning at 9:30 a.m. The prehearing conference in the consolidated matter shall be held on August 29, 2016, at 3:00 p.m., and the due process hearing shall begin on September 7, 2016, at 9:30 a.m., and continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

4. 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 2016070290, Student's Case.

IT IS SO ORDERED.

DATE: July 14, 2016

DocuSigned by:
Theresa Ravandi
180B9BDB98E5424...

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings