BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENTS ON BEHALF OF STUDENT,

v.

MURRIETA VALLEY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2020020657

and

MURRIETA VALLEY UNIFIED SCHOOL DISTRICT,

v.

STUDENT,

OAH CASE NUMBER 2020020289.

ORDER GRANTING MOTION TO CONSOLIDATE; DENYING STUDENT'S MOTION TO CONTINUE

FEBRUARY 20, 2020

On February 6, 2020, Murrieta Valley Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 020020289, First Case, naming Student.

On February 18, 2020, Parents on behalf of Student filed a Request for Due Process Hearing in OAH case number 2020020657, Second Case, naming Murrieta Valley Unified School District.

On February 19, 2020, Parents on behalf of Student filed a Motion to Consolidate First Case with Second Case and to continue the prehearing conference date set in First Case, OAH case number 2020020289. The same day, Student filed a motion for a continuance in the First Case.

On February 19, 2020, Murrieta Valley Unified School District, referred to as Murrieta Valley, filed an objection to consolidation. The basis of Murrieta Valley's objection is the First Case concerns the issue of whether the functional behavior assessment conducted by Murrieta Valley Unified School District was appropriate and whether it was justified in declining to publically fund an independent educational evaluation, referred to as an IEE, whereas the Second Case concerns the issue of whether Murrieta Valley should have funded an IEE for a Special Circumstances Instructional Assistant. On February 19, 2020, Murrieta Valley also filed a statement of non-opposition to Parents' request to continue the Prehearing Conference scheduled in First Case.

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 a common question of law or fact, specifically, whether or not certain assessments conducted by Murrieta Valley were appropriate and whether or not Murrieta Valley is required to publically fund IEE's. Although the First Case and Second case concerns two separate assessments, one in the area of functional behavior and the other in the area of the need for Special Circumstances Instructional Assistant, consolidation furthers the interests of judicial economy because both with involve similar witnesses testifying about Student's behavior. Both First Case and Second Case concern the same parties and related educational assessments of Student. Judicial economy will be furthered by consolidating these matters and having them heard jointly.

CONTINUANCE

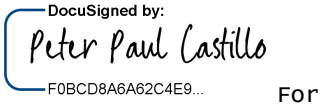
As this order grants Student's consolidation request, and sets the prehearing conference and hearing dates to those in the Second Case, Student's continuance request is denied as moot.

ORDER

1. Parents' Motion to Consolidate is granted.
2. Second Case is designated as the primary case. All dates previously set in First Case, OAH case number 2020020289 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 Primary Case, OAH case number 2020020657.
4. Student's continuance request is denied as moot.

IT IS SO ORDERED.



For

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings