BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. IRVINE UNIFIED SCHOOL DISTRICT,	OAH Case No. 2017030696
IRVINE UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017031348 ORDER GRANTING MOTION TO CONSOLIDATE

On March 13, 2017, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2017030696 (Student's Case), naming Irvine Unified School District.

On March 23, 2017, District filed a Request for Due Process Hearing in OAH case number 2017031348 (District's Case), naming Student.

On April 6, 2017, the parties filed a Joint Motion to Consolidate Student's Case with District'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].)

Here, Student's Case and District's Case do not obviously involve a common question of law or fact. Specifically, Student's Case alleges District denied Parents meaningful participation in the educational decision-making process and deprived Student of

educational benefit by failing to have in place an individualized educational program for Student prior to the start of the 2016-2017 school year, and denied Student a free appropriate public education by failing, in some unspecified IEP, to offer Student appropriate behavioral services and support, namely a full time one-to-one behavior aide with supervision and consultation services. As remedies, Student requests reimbursement for private school placement and behavioral services, and prospective funding for intensive behavioral services. District's Case alleges that assessment of Student's behavior is warranted due to the disagreement about the severity of Student's behavioral needs and requests that OAH authorize District to assess Student pursuant to the November 15, 2016 assessment plan, which Parents refused to sign. District's Case further seeks a declaration that if Parents do not cooperate with any assessments OAH authorizes, District would be relieved of its obligation to provide Student a FAPE. Student's Case, concerning problems in the past, and District's Case, regarding whether District may assess Student without parental consent and what would happen in the future should Parents continue to not allow assessment, appear to be capable of resolution independently, without a risk of inconsistent rulings. However, a common topic of both cases is the severity of Student's behavior, whether it necessitated different services than District offered, and whether it warranted reassessment of Student. The parties jointly request consolidation of the cases, and that the consolidated case proceed on the dates currently scheduled in Student's Case. Accordingly, consolidation is granted.

ORDER

1. The parties' Joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2017031348 [District's Case] 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 OAH Case Number 2017030696 [Student's Case], and shall proceed on the dates in Student's Case.

DATE: April 12, 2017

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Kara Hatfield
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KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings