

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT on behalf of STUDENT,  v.  LANCASTER SCHOOL DISTRICT,	OAH CASE NO. 2009050983
LANCASTER SCHOOL DISTRICT,  v.  PARENT on behalf of STUDENT.	OAH CASE NO. 2009050020  ORDER GRANTING STUDENT’S MOTION TO CONSOLIDATE

On May 1, 2009, Lancaster School District (District), filed a request for due process hearing in OAH case number 2009050020 (Case One). The District alleged that it had properly assessed Student in various areas of need in May/June of 2008, December 2008, and January of 2009, such that Student was not entitled to an IEE. On May 26, 2009, Student filed a request for due process hearing in OAH case number 2009050983 (Case Two) and simultaneously filed a motion to consolidate. The allegations in Case Two include the same assessment issues raised in Case One, plus allegations relating to the provision of services to Student. Case One is currently scheduled to begin hearing on May 29, 2009.

OAH will generally consolidate matters that involve a common question of law and/or fact and that involve the same parties, and when consolidation of the matters furthers the interests of judicial economy and will obviate potentially inconsistent rulings. While no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, California statutes offer, by analogy, a standard appropriate to special education cases. Government Code section 11507.3, subdivision (a), provides that an administrative law judge “may” order pending administrative proceedings consolidated if they involve “a common question of law or fact . . .” California Code of Civil Procedure section 1048, subdivision (a), applies the same standard to the consolidation of civil cases.

Here, Case One and Case Two involve identical issues regarding assessments, as well as additional issues that arose during the same time period that relate to the assessments of Student. Thus, consolidation is appropriate.

ORDER

1. Student's Motion to Consolidate is granted, and the above-titled cases are consolidated.
2. The hearing date in Case One, OAH case number 2009050020 is vacated. All dates currently scheduled in Case Two, OAH case number 2009050983, apply to the consolidated cases.
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 Case Two, OAH case number 2009050983.

IT IS SO ORDERED.

Dated: May 28, 2009

/s/

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RICHARD T. BREEN  
Administrative Law Judge  
Office of Administrative Hearings