

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  GARVEY SCHOOL DISTRICT,	OAH Case NO. 2015050342 (Primary)
GARVEY SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH Case NO. 2015050240  ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE CONSOLIDATED CASES

On April 27, 2015 Student filed a Request for Due Process (complaint) in OAH case number 2015050342 naming Garvey School District (Student’s Case). On May 7, 2015 District filed a complaint in OAH case number 2015050240 naming Student through Parents (District’s case). Student filed a motion to consolidate both cases on May 8, 2015. District filed a notice of agreement with consolidation on May 11, 2015.

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, the First Case and Second Case involve a common question of law or fact. Specifically, both complaints seek findings on whether or not District’s speech and language assessment was appropriate, justifying an independent educational assessment at public expense, and whether Student should be exited from eligibility for special education. Consolidation furthers the interests of judicial economy because the witnesses and

documentary evidence are the same or similar, will save time, and will avoid inconsistent results. Accordingly, consolidation is granted.

### Continuance

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

Student's unopposed motion to seeks to continue the consolidated matters to the dates set by OAH in Student's Case. The request is granted.

### ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015050240 (District's Case) are vacated.
3. Student's Motion to continue the consolidated matters to the dates in Student's Case is granted. The matter shall be set as provided for in the Scheduling Order issued in Student's case dated May 12, 2015.
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 2015050342 (Student's Case).

DATE: May 21, 2015

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings