

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  OAK GROVE SCHOOL DISTRICT,	OAH Case No. 2016010117
OAK GROVE SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016020180  ORDER GRANTING JOINT MOTION TO CONSOLIDATE

On January 6, 2016, Student filed a request for due process hearing (complaint) in Office of Administrative Hearings case number 2016010117 (Student’s Case), naming Oak Grove School District.

On January 29, 2016, Oak Grove filed its own complaint naming Student in OAH case number 2016020180 (Oak Grove’s Case).

On February 2, 2016, the parties filed a joint motion to consolidate the two cases.

**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**

Here, Student’s Case and Oak Grove’s Case involve a common question of law or fact, specifically, whether Oak Grove’s functional behavioral assessment from June 2015 was legally compliant. Student is asking for an independent educational evaluation if it is

found that the functional behavioral assessment is found to be legally noncompliant. Oak Grove is asking that its evaluation be found to be legally compliant so that it need not fund an independent educational evaluation. In addition, consolidation furthers the interests of judicial economy because many of the same witnesses would be called to testify in both. Accordingly, consolidation is granted.

#### ORDER

1. The parties joint motion to consolidate is granted.
2. All dates previously set in Oak Grove's case are vacated. The consolidated matter will proceed on the dates currently scheduled in Student's case.
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 Student's Case.

IT IS SO ORDERED.

DATE: February 4, 2016

/s/

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REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings