

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016020431
v.	
GARVEY SCHOOL DISTRICT,	
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GARVEY SCHOOL DISTRICT,	OAH Case No. 2015120798
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On December 22, 2015, Garvey School District (District) filed a Request for Due Process Hearing in OAH case number 2015120798 (District’s Case), naming Student.

On February 5, 2016, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016020431 (Student’s Case), naming District.

On February 5, 2016, Student filed a Motion to Consolidate the Student’s Case with the District’s Case.

District did not file a response to the motion.

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 involve a common question of law or fact, specifically, whether the program District offered to Student at the August 28, 2015, IEP

meeting constitutes a free appropriate public education in the least restrictive environment. District did not file an opposition to the motion. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted. Student's Case, OAH Case number 2016020431, is designated as the primary case.
2. All dates previously set in District's Case, OAH Case Number 2015120798 are vacated.
3. The dates for mediation, the prehearing conference, and the due process hearing in the consolidated cases shall be those set forth in the Scheduling Order dated February 10, 2016, in Student's Case, OAH case number 2016020431.
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 Student's Case, OAH Case Number 201602043.

IT IS SO ORDERED.

DATE: February 12, 2016

DocuSigned by:

Christine Arden

CHRISTINE ARDEN

Administrative Law Judge

Office of Administrative Hearings