

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH Case No. 2016030805

v.

PASADENA UNIFIED SCHOOL DISTRICT,

PASADENA UNIFIED SCHOOL DISTRICT,

OAH Case No. 2016060614

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On March 17, 2016, Parents on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016030805 (Student's Case), naming Pasadena Unified School District. On May 2, 2016, OAH granted the parties' joint request for continuance, setting the prehearing conference for July 1, 2016 at 10:00 a.m., and the hearing for July 12, 13, and 14, 2016.

On June 9, 2016, District filed a Request for Due Process Hearing in OAH case number 2016060614 (District's Case), naming Student. OAH scheduled District's Case for a prehearing conference of July 1, 2016 and a hearing for July 6, 2016.

With its complaint, District filed a Motion to Consolidate Student's Case with District's Case. Student did not file opposition to District's motion to consolidate.

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].)

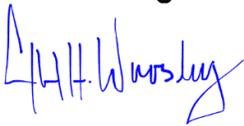
Here, Student's Case and District's Case involve common questions of law and fact. District's Case seeks an order permitting it to conduct an Educationally Related Intensive

Counseling Services assessment of Student, without permission of Parents, in light of evaluations and history that indicate Student's educational performance may be affected by anxiety. Student's Case refers to the same evaluations and history regarding Student's anxiety and worry, in support of his allegations that District denied him a free appropriate public education by not providing sufficient related services and failing to deliver educational benefit. Also, District and Student will rely upon many of the same witnesses and exhibits, as well as involve the same time period; thus, the interests of judicial economy would be served by consolidation.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in District's Case, OAH Case Number 2016060614, 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 in Student's Case, OAH Case Number 2016030805, which is deemed the lead case.
4. These consolidated actions shall proceed to prehearing conference and hearing on the dates presently scheduled in Student's Case.

DATE: June 23, 2016

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings