

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH Case No. 2016031119

v.

COLTON JOINT UNIFIED SCHOOL
DISTRICT and SAN BERNARDINO CITY
SUPERINTENDENT OF SCHOOLS

COLTON JOINT UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2015120044

v.

ORDER GRANTING MOTION TO
CONSOLIDATE

PARENTS ON BEHALF OF STUDENT.

On November 30, 2015, the Colton Unified School District filed a request for due process hearing with the Office of Administrative Hearings in OAH case number 2015120044 naming Parents on behalf of Student (Colton's Case). Student filed a request for due process on March 24, 2016, naming Colton and the San Bernardino City Superintendent of Schools (Student's Case).

On March 28, 2016, Student filed a motion to consolidate the two cases. Colton filed a notice of non-opposition to Student's motion on April 1, 2016.

APPLICABLE LAW AND DISCUSSION

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, Colton's case and Student's case both raise as an issue the validity of Student's October 2015 individualized education program. While Student also raises as an issue the validity of another IEP, the first issue will involve similar facts, witnesses, and exhibits. For this reason, the interests of judicial economy are served by consolidating the cases to avoid holding two hearings on similar issues that might result in conflicting decisions. Additionally, Colton did not oppose the consolidation of the cases. Accordingly, Student's motion to consolidate is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015120044 [Colton's Case] are vacated.
3. This matter shall proceed on the dates presently set in Student's case. The mediation in the consolidated case shall be held on April 26, 2016, at 9:30 a.m. The prehearing conference in the consolidated cases shall be held on May 9, 2016, at 3:00 p.m. The due process hearing in the consolidated cases shall be held on May 18, 2016, at 9:30 a.m. on the first day, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
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 2016031119 [Student's Case].

DATE: April 4, 2016

DocuSigned by:

Darrell Lepkowsky

DARRELL LEPKOWSKY

Administrative Law Judge

Office of Administrative Hearings