

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2016040520

v.

FOUNTAIN VALLEY SCHOOL DISTRICT,

FOUNTAIN VALLEY SCHOOL DISTRICT,

OAH Case No. 2016040720

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On April 11, 2016, Parent on behalf of Student filed a Request for Due Process Hearing in Office of Administrative Hearing case number 2016040520 (Student's Case), naming Fountain Valley School District.

On April 15, 2016, District filed a Request for Due Process Hearing in OAH case number 2016040720 (District's Case), naming Student.

On April 15, 2016, District filed a Motion to Consolidate Student's Case with District's Case. Student did not submit an opposition.

Request for 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, including similar questions related to Student's triennial educational assessment. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH case number 2016040720 (District's Case) are vacated.
3. Student's case is designated the primary case and the 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing for OAH case number 2016040520 (Student's Case).
4. The consolidated matter shall proceed pursuant to the dates in OAH's April 13, 2016 scheduling order. Mediation shall be held on May 17, 2016, at 9:30 a.m. The telephonic prehearing conference shall be held on May 27, 2016, at 10:00 a.m. The due process hearing shall be held on June 7, 2016, unless otherwise ordered.

DATE: April 21, 2016

DocuSigned by:

Paul H. Kamoroff

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PAUL H. KAMOROFF

Administrative Law Judge

Office of Administrative Hearings