

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CARLSBAD UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2016040803

ORDER DENYING MOTION TO
CONSOLIDATE

On April 19, 2016, Carlsbad Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016040803 (District's Case), naming Student.

On May 4, 2016, Student filed a Request for Due Process Hearing in OAH case number 2016050271 (Student's Case), naming District.

On May 17, 2016, Student filed a Motion to Consolidate Student's Case with District's Case. District has not filed a response, but it does not appear that Student served a copy of the request on District's legal counsel.¹

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 has not established that the manifestation determination meeting scheduled for May 20, 2016, has any bearing on District's request to assess Student over parental objections in its case, and is not alleged as an issue in Student's pending case.

¹ Student is ordered to serve a copy of motion to consolidate on District's legal counsel and provide proof to OAH of the service by 4:00 p.m. on May 18, 2016. If Student did serve a copy of the motion to consolidate on District's legal counsel, Student shall provide proof to OAH of the service by 4:00 p.m. on May 18, 2016.

Further, District's request to assess Student over parental objection does not involve the same issues in Student's case involving his behavioral needs. Therefore, Student's motion to consolidate cases is denied.

IT IS SO ORDERED.

DATE: May 17, 2016

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings