

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

BREA-OLINDA UNIFIED SCHOOL  
DISTRICT,

OAH Case No. 2016040870  
(Primary)

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BREA-OLINDA UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2016050249

ORDER GRANTING MOTION TO  
CONSOLIDATE

On April 15, 2016, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016040249, naming Brea-Olinda Unified School District. On May 13, 2016, OAH continued this matter.

On May 4, 2016, District filed a Request for Due Process Hearing in OAH case number 2016050249, naming Student.

On May 20, 2016, District filed a Motion to Consolidate District's OAH Case No. 2016050249 with Student's Case 2016040870.

Student did not file a response to the motion.

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, District's case and Student's case involve overlapping issues and a common question of law and fact, specifically related to Student's psychoeducational assessment. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because each case involves the same witnesses and exhibits. Accordingly, consolidation is granted.

#### ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case No. 2016050249 (District's case) 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 of the complaint in OAH Case No. 2016040870 (Student's case). All dates previously set for hearing in this matter shall remain as scheduled in OAH Case No. 2016040870.

IT IS SO ORDERED.

DATE: May 23, 2016

/s/  
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JUDITH PASEWARK  
Administrative Law Judge  
Office of Administrative Hearings