

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2016050409

v.

TEMPLE CITY UNIFIED SCHOOL
DISTRICT,

TEMPLE CITY UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2016050649

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING STUDENT'S
MOTION TO CONSOLIDATE

On May 2, 2016, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing (complaint) in OAH case number 2016050409 (Student's Case), naming Temple City Unified School District. Student alleged, among other things, that District had failed to offer Student a free appropriate public education in the in the two years prior to Student's complaint, and Student sought an order directing District to fund an ongoing residential placement for Student, and to reimburse Parent for the costs of that placement already incurred.

On May 13, 2016, District filed a Request for Due Process Hearing in OAH case number 2016050649 (District's Case), naming Student. District alleged that its May 8, 2015 individualized education program offered Student a FAPE in the least restrictive environment appropriate for Student, and that District was not required to fund Student's placement at any non-public or private school or reimburse Parents for such a placement.

On May 23, 2016, Student filed a Motion to Consolidate Student's Case with District's Case. District did not file a response to the motion.

Consolidation

No statute or regulation provides a specific standard to be applied in deciding a motion to consolidate special education cases, but 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/District's Case and Student's/District's Case involve common questions of law or fact regarding whether District offered Student a FAPE, and whether District should be required to fund, or reimburse Parent for, residential placement of Student. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case Number 2016050409 is designated as the primary case in the consolidated matters, and all future pleadings and other documents in the consolidated matters are to be maintained in that case file.
3. All dates previously set in District's Case, OAH Case Number 2016050649 are vacated.
4. The consolidated matters will proceed on the existing dates in Student's Case.
5. The 45-day timeline for issuance of the decision in the consolidated matters shall be based on the May 2, 2016 filing date for Student's complaint in Student's Case number 2016050409.

IT IS SO ORDERED.

DATE: June 01, 2016

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ROBERT G. MARTIN
Administrative Law Judge
Office of Administrative Hearings