

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. POWAY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016050442
POWAY UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2016030201 ORDER GRANTING STUDENT'S MOTION TO CONSOLIDATE

On March 2, 2016, the Poway Unified School District filed a request for due process hearing with the Office of Administrative Hearings in OAH case number 2016030201 naming Parents on behalf of Student (Poway's Case). Student filed a request for due process on May 9, 2016, naming Poway (Student's Case). Also on May 9, 2016, concurrent with the filing of his request for due process, Student filed a motion to consolidate his case with that of Poway. To date, Poway has not filed an objection or other response to Student's 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, Poway's case and Student's case both raise as an issue the validity of an occupational therapy assessment conducted by Poway in January 2016. While Student also raises additional issues concerning his individualized education program and other assessments conducted by Poway, the issue involving the occupational therapy assessment 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, Poway has not raised any objection to the motion to consolidate. 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 2016030201 [Poway'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 June 14, 2016, at 9:30 a.m. The prehearing conference in the consolidated cases shall be held on June 24, 2016, at 1:00 p.m. The due process hearing in the consolidated cases shall be held on June 30, 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.

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 2016050442 [Student's Case].

DATE: May 17, 2016

DocuSigned by:

Darrell Lepkowsky

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DARRELL LEPKOWSKY

Administrative Law Judge

Office of Administrative Hearings