

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  STUDENT,  v.  CAPISTRANO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016050443
<hr/> CAPISTRANO UNIFIED SCHOOL DISTRICT,  v.  STUDENT.	OAH Case No. 2016050447  ORDER GRANTING MOTION TO CONSOLIDATE

On April 29, 2016, Student filed with the Office of Administrative Hearings a request for due process hearing in OAH case number 2016050443, naming Capistrano Unified School District (Student’s case).

On May 10, 2016, District filed a request for due process hearing in OAH case number 2016050447, naming Student (District’s case).

On May 10, 2016, District filed a motion to consolidate Student’s case with District’s case.

On May 12, 2016, Student filed a non-opposition to the motion.

APPLICABLE LAW

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].)

## DISCUSSION

Here, Student's case and District's case involve common questions of law or fact. Student's case alleges a denial of a free appropriate public education in individualized education programs from 2014 through 2016. Student also seeks independent educational evaluations, including in the area of occupational therapy, due to an allegedly inadequate occupational therapy assessment by District on June 15, 2015. District's case seeks a determination that its occupational therapy assessment of June 15, 2015 was appropriate. Consolidation furthers the interests of judicial economy because economy because the same witnesses and evidence will be presented in both cases with regard to Student's occupational therapy needs and assessment. Consolidation will avoid the duplication of time, expense and resources involved in having these matters proceed to hearing separately.

## ORDER

1. District's motion to consolidate is granted.
2. All dates previously set in OAH case number 2016050447 (District's case) are vacated.
3. The mediation, prehearing conference and hearing in these consolidated matters will take place on the dates currently scheduled in Student's case.
4. 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 2016050443 (Student's Case).

DATE: May 17, 2016

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ALEXA J. HOHENSEE  
Administrative Law Judge  
Office of Administrative Hearings