

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  FREMONT UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016050475
FREMONT UNIFIED SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016050479  ORDER GRANTING MOTION TO CONSOLIDATE

On May 2, 2016, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016050475 (Student’s Case), naming Fremont Unified School District.

On May 5, 2016, Fremont filed a Request for Due Process Hearing in OAH case number 2016050479 (Fremont’s Case), naming Student.

On May 18, 2016, Fremont filed a Motion to Consolidate Fremont’s Case with Student’s Case and requested that OAH set dates consistent with those scheduled in Student’s case. Student did not file a response 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, Fremont's Case and Student's Case involve the same parties and a common question of law or fact. Student asserts, in part, that Fremont failed to provide appropriate triennial assessments in 2015 and timely respond to Parent's February 2016 request for independent educational evaluations. Fremont seeks a determination that its 2015 triennial assessments were valid and appropriate such that Parents are not entitled to independent evaluations at public expense. The analysis of these issues will require similar, if not identical, factual findings related to whether Fremont's triennial assessments were appropriate and whether Fremont's response to the independent evaluation request was appropriate. Other issues presented, while not identical, are sufficiently intertwined that consolidation is appropriate. Student did not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the matters will likely involve many of the same documents and witnesses. Accordingly, consolidation is granted.

## ORDER

1. Fremont's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2016050479 (Fremont's Case) are vacated.
3. The matter will proceed on the dates currently set in OAH Case Number 2016050475 (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 2016050475 (Student's Case).

DATE: May 24, 2016

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*Lisa Lunsford*

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LISA LUNSFORD

Administrative Law Judge

Office of Administrative Hearings