

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SUNNYVALE SCHOOL DISTRICT,	OAH Case No. 2016060062
SUNNYVALE SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016050921 ORDER GRANTING MOTION TO CONSOLIDATE

On May 20, 2016, Sunnyvale School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016050921 (Sunnyvale's Case), naming Student.

On May 31, 2016, Student filed a Request for Due Process Hearing in OAH case number 2016060062 (Student's Case), naming Sunnyvale.

On May 31, 2016, Student filed a Motion to Consolidate Student's Case with Sunnyvale's Case and requested that OAH vacate the dates scheduled in Sunnyvale's Case. On June 2, 2016, Sunnyvale filed a Notice of Non-Opposition to Student's 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 Sunnyvale's Case involve the same parties and a common question of law or fact. Student asserts, in part, that Sunnyvale failed to conduct an appropriate psychoeducational assessment in April 2016. Sunnyvale seeks a determination that its April 2016 psychoeducational assessment was valid and appropriate such that Parents are not entitled to an independent educational evaluation at public expense. The analysis of these issues will require similar, if not identical, factual findings related to whether Sunnyvale's psychoeducational assessment was appropriate. Other issues presented, while not identical, are sufficiently intertwined that consolidation is appropriate. Sunnyvale does 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. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2016050921 (Sunnyvale's Case) are vacated.
3. The matter will proceed on the dates currently set in OAH Case Number 2016060062 (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 2016060062 (Student's Case).

DATE: June 3, 2016

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Lisa Lunsford

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LISA LUNSFORD

Administrative Law Judge

Office of Administrative Hearings