

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013100276
v.	
CARMEL UNIFIED SCHOOL DISTRICT,	
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CARMEL UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013090122
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On August 8, 2013, the Carmel Unified School District (District) filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing in OAH case number 201309012 (First Case), naming Parent on behalf of Student (Student) as respondent.

On October 4, 2013, Student filed with OAH a Request for Due Process Hearing in OAH case number 2013100276 (Second Case), naming the District as respondent.

In his complaint, Student also requested to consolidate the First Case with the Second Case.

The District did not file a response to the request.

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, the First Case and Second Case involve a common question of law or fact. In the second case filed by Student, Student contends that the District offered Individualized

Education Programs (IEP) for school years 2012-2013 and 2013-2014 that were not appropriate and that Parents were unable to participate in the IEP decision-making process. In the first case file by the District, the issues are whether the Fall 2012 District assessments in the area of speech and language and psycho-education were appropriate. The two issues are interrelated as the IEP team decisions were based on the Fall 2012 assessments. Consolidation is warranted as the two matters are interrelated factually and will lead to judicial economy. The District has not opposed the motion. Accordingly, consolidation is granted.

#### ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013090122 (First Case) are vacated. The consolidated case will proceed according to the dates set in the October 8, 2013 Scheduling Order issued in OAH Case Number 2013100276 (Second case).
3. 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 2013100276 (Second Case).

Dated: October 08, 2013

/s/

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings