

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENTS ON BEHALF OF STUDENT,  v.  LOS ALTOS SCHOOL DISTRICT.	OAH Case No. 2014060765
LOS ALTOS SCHOOL DISTRICT,  v.  PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2014120366  ORDER GRANTING MOTION TO CONSOLIDATE

On June 11, 2014, Parents, on behalf of Student, filed a Request for Due Process Hearing (compliant) in OAH Case Number 2014060765 (First Case) naming the Los Altos School District.

On December 8, 2014, Los Altos filed a complaint in OAH Case Number 2014120366 (Second Case) naming Student.

Concurrently with its complaint, Los Altos filed a Motion to Consolidate the First Case with the Second Case on December 8, 2014. Los Altos contends that consolidating the two case would further the interest of judicial economy and prevents inconsistent rulings. Student did not file a response to the motion to consolidate the cases.

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 cases that involve: 1) a common question of law and/or fact; 2) the same parties; and 3) when consolidation of the matters will further 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].)

Student's case raises the issue of whether Los Altos failed to assess her in the area of fine and gross motor deficits, as well as three issues relating to individualized education program offers to Student dated June 5, 2012, October 11, 2012, and December 11, 2013. Student contends that the offers denied her a free appropriate public education (FAPE) because the proposed IEP's were not designed to provide her with meaningful educational benefits, and were inappropriate for her for various reasons discussed in Student's complaint. Los Altos's case raises only one issue. The issue relates to whether Los Altos's offer of placement and services to Student, as contained in a December 3, 2014 IEP, provides Student with a FAPE.

The two cases involve the same parties, and cover the same or similar issues relating to Student's right to FAPE, and Los Altos' obligation to ensure that Student receives a FAPE. Both cases present common questions of law and fact, and resolving the cases would involve the same or similar evidence and witnesses, and the analysis of common questions of law and fact. Consolidating the cases will promote judicial economy and prevent inconsistent rulings. Accordingly, consolidating the two cases is appropriate.

#### ORDER

1. Los Altos' motion to consolidate is granted.
2. All dates previously set in OAH Case Number 2014120366 (Second Case) are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of OAH Case Number 2014060765 (Second Case).
4. The due process hearing in the consolidated matters shall be held on the dates currently set in OAH Case Number 2014060765, as contained in OAH's order granting continuance dated October 16, 2014. The dates are confirmed.

DATE: December 16, 2014

/s/

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ADENIYI AYOADE  
Administrative Law Judge  
Office of Administrative Hearings