

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2014100803

v.

NEWPORT-MESA UNIFIED SCHOOL  
DISTRICT,

---

NEWPORT-MESA UNIFIED SCHOOL  
DISTRICT,

OAH Case No. 2014100217

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING STUDENT'S  
MOTION TO CONSOLIDATE

On October 2, 2014, Newport-Mesa Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing (complaint) in OAH case number 201410027 (First Case), naming the Parents on behalf of Student as respondent. The complaint alleges a single issue: whether the March 2014 Multidisciplinary Assessment was appropriate.

On October 22, 2014, Student filed with OAH a Request for Due Process Hearing in OAH case number 2014100803 (Second Case), naming Newport-Mesa as respondent. Student alleges that Newport-Mesa failed to provide Student with a free appropriate public education at the Individual Education Program meetings of October 2, 2013 and January 10, 2014/March 14, 2014, including the IEP team decision to exit Student from special education.

On October 22, 2014, Student filed a Motion to Consolidate the First Case with the Second Case. Newport-Mesa does not oppose the consolidation of the cases.

CONSOLIDATION

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 common questions of law or fact, specifically, the appropriateness of the Newport-Mesa's assessment of Student, whether the Student is entitled to have an IEE at District expense, and the appropriateness of the actions of the IEP team at the March 14, 2014 IEP meeting where the assessment results were reviewed. Newport-Mesa does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both issues are similar and require identical witnesses and evidence. Accordingly, consolidation is granted.

#### ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 201410027 (the First 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 the complaint in OAH Case Number 2014100803 (Second Case).
4. The consolidated case shall proceed pursuant to the Scheduling Order issued by OAH in OAH Case Number 2010100803 (Second Case).

DATE: October 24, 2014

/s/

---

ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings