

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH Case No. 2014110631

v.

CORONADO UNIFIED SCHOOL DISTRICT,

CORONADO UNIFIED SCHOOL DISTRICT,

OAH Case No. 2014110067

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On October 28, 2014, the Coronado Unified School District filed a Request for Due Process Hearing in OAH Case Number 2014110067 (First Case), naming Parents on behalf of Student as respondent.

On November 12, 2014, Student filed a Request for Due Process Hearing in OAH Case Number 2014110631 (Second Case), naming Coronado as respondent.

On December 12, 2014, both parties jointly filed a Stipulation to Consolidate the First Case with the Second Case and to have the consolidated case proceed on the dates previously scheduled in the First Case (OAH Case Number 2014110067).

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 a common question of law or fact, specifically, the appropriateness of the District conducted June 3, 2014 assessment and the

proposed Individualized Education Program offered at the ensuing IEP meeting which was based on that assessment. Both parties agree to the consolidation. In addition, consolidation furthers the interests of judicial economy because both cases involve the same witnesses. Accordingly, consolidation is granted.

On November 10, 2014, both parties filed with OAH a joint stipulation to continue the dates in the First Case (OAH Case Number 2014110067). OAH granted that request. Here both parties request that the consolidated case proceed pursuant to OAH's order granting that joint request. That request is also granted.

ORDER

1. The Joint Stipulation to Consolidate is granted. OAH Case Number 2014110631 (Second Case) will be designated the primary case.
2. All dates previously set in the Second Case (OAH Case Number 2014110631) are vacated, and the Second Case is continued to the dates set forth below.
3. The Joint Stipulation for the consolidated cases to proceed on the dates in the First Case (OAH Case Number 2014110067) is granted. The mediation in the consolidated cases shall be held on January 7, 2015 at 9:30 a.m.; the Prehearing Conference in the consolidated cases shall be held on January 23, 2015, at 10:00 a.m.; and the Due Process Hearing in the consolidated cases shall be held on February 3, 2015 through February 5, 2015. Unless otherwise ordered, the hearing will commence at 9:30 a.m. on February 3, 2015.
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 2014110631 (Second Case).

DATE: December 12, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings