

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015010257

v.

LUCIA MAR UNIFIED SCHOOL DISTRICT,

LUCIA MAR UNIFIED SCHOOL DISTRICT,

OAH Case No. 2015020498

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING JOINT MOTION
TO CONSOLIDATE

On January 7, 2015, Parent on behalf of Student filed a request for due process hearing in OAH case number 2015010257 (Student Case), naming Lucia Mar Unified School District.

On February 6, 2015, District filed a request for due process hearing in OAH case number 2015020498 (District Case), naming Student.

On February 18, 2015, the parties filed a joint motion to consolidate the Student Case with the District Case.

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, the Student Case and District Case involve common questions of law or fact, specifically, whether District appropriately assessed Student in the areas of speech and language and occupational therapy in April and May 2014.

Consolidation furthers the interest of judicial economy because the same witnesses and evidence will be presented in both cases on the issues of whether District appropriately assessed Student in the designated areas. Consolidation will avoid the duplication of time, expense and resources involved in having these matters proceed to hearing separately.

ORDER

1. The parties' joint motion to consolidate is granted.
2. Student's Case, OAH case number 2015010257, is designated as the primary case and shall be used for filing all documents in these consolidated matters.
3. All dates previously set in District's Case, OAH case number 2015020498, are vacated and continued to the dates set for Student's Case.
4. All dates currently set in Student's case are confirmed.
5. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of Student's Case.

DATE: February 20, 2015

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings