

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. SAN JACINTO UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015030504
SAN JACINTO UNIFIED SCHOOL DISTRICT v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2015040147 ORDER GRANTING MOTION TO CONSOLIDATE

On March 10, 2015, Parents on behalf of Student filed with Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015030504 (First Case), naming the San Jacinto Unified School District as respondent.

On April 6, 2015, San Jacinto filed a Request for Due Process Hearing in OAH case number 2015040147 (Second Case), naming Student as respondent.

On April 10, 2015, San Jacinto filed a Motion to Consolidate the First Case with the Second Case.

Student did not file a response to the motion.

CONSOLIDATION 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].)

Student's complaint in the first case alleges four issues. Issue one alleges that San Jacinto denied Student a free appropriate public education by failing to design an Individualized Education Program since March 2013 which would meet Student's unique needs. In issue two, Student contends that San Jacinto has failed to conduct an appropriate assessment since March 2013. The third and fourth issues allege procedural violations in that San Jacinto failed to provide Student with complete copies of his educational records or Spanish versions of Student's IEP's.

San Jacinto's complaint contains a single issue which contends that Student is not entitled to an Independent Education Evaluation because San Jacinto's February 2014 assessment was appropriate.

Here, the First Case and Second Case involve a common question of law or fact, specifically, the appropriateness of San Jacinto's assessment of Student. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the same evidence and witnesses would be needed in both cases. Accordingly, consolidation is granted.

ORDER

1. San Jacinto's Motion to Consolidate is granted. OAH Case Number 2015030504 (First Case) is deemed the primary case.
2. All dates previously set in OAH Case Number 201404147 (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 the complaint in OAH Case Number 2015030504 (First Case).
4. The consolidated case shall proceed as follows:
Prehearing Conference: April 27, 2015, at 10:00 a.m.

Due Process Hearing Date/Time: May 5, 2015, at 9:30 a.m

Location: San Jacinto USD
2045 South San Jacinto Ave.
San Jacinto, CA 92583.

The hearing shall continue day to day,
Monday through Thursday, as needed at the
discretion of the Administrative Law Judge.

DATE: April 17, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings