

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH Case No. 2015070605

v.

BREA OLINDA UNIFIED SCHOOL  
DISTRICT,

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BREA OLINDA UNIFIED SCHOOL  
DISTRICT,

OAH Case No. 2015071252

v.

ORDER GRANTING MOTION TO  
CONSOLIDATE

PARENTS ON BEHALF OF STUDENT.

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On June 29, 2015, Parents on behalf of Student filed a Request for Due Process Hearing in Office of Administrative Hearings case number 2015070605 (Student's Case), naming the Brea Olinda Unified School District.

On July 22, 2015, District filed a Request for Due Process Hearing in OAH case number 2015071252 (District's Case), naming Student.

On August 7, 2015, the parties jointly filed a Motion to Consolidate District's Case with Student's Case, and to continue the consolidated matter.<sup>1</sup>

*Request for 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

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<sup>1</sup> The parties' joint request refers to "non-expedited matters." This Order encompasses the entirety of Student's Case and District's case, as there are no expedited issues included in either party's complaint for due process.

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, District's Case and Student's Case involve a common question of law or fact, including similar questions, witnesses and documents regarding Student's education needs and program. Accordingly, consolidation is granted.

*Request for Continuance*

In the request for consolidation, the parties also requested a continuance to the same dates in their August 6, 2015 request for continuance in Student's case. Since OAH granted the continuance request and Student's case is the primary case in this matter, the continuance request is moot as it has already been granted.

ORDER

1. The joint Motion to Consolidate is granted.
2. 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 2015070605 (Student's Case).
3. All dates previously set in OAH case number 2015071252 (District's Case) are vacated.
4. The consolidated matter shall proceed as scheduled in OAH case number 2015070605 (Student's case), pursuant to the August 7, 2015 continuance Order.

DATE: August 7, 2015

/s/  
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PAUL H. KAMOROFF  
Administrative Law Judge  
Office of Administrative Hearings