

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015120042

v.

SANTA CRUZ CITY SCHOOLS AND
SANTA CRUZ COUNTY OFFICE OF
EDUCATION.

SANTA CRUZ CITY SCHOOLS,

OAH Case No. 2016030462

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On November 25, 2015, Parent on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015120042 (Student's Case), naming the Santa Cruz City Schools (the District) and the Santa Cruz County Office of Education (SCCOE).

On March 8, 2016, the District filed a Request for Due Process Hearing in OAH case number 2016030462 (District's Case), naming Student.

On March 8, 2016, the District also filed a Motion to Consolidate Student's Case with District's Case, which would require a continuance of the due process hearing date set in Student's case.

On March 9, 2016, SCCOE filed a notice that it does not object to the motion to consolidate. On March 11, 2016, Student informed OAH that he does not object to the motion.

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, Student's Case and District's Case involve common questions of law and fact. Specifically, Student's Case alleges that during the last two school years, the District and SCCOE have denied him a free appropriate public education by, among other things, failing to offer or provide legally compliant IEP's. District's Case alleges that a new IEP offered on February 23, 2016, does provide Student a FAPE and seeks an order allowing it to implement the new IEP without parental consent. As a result, the evidence and issues will substantially overlap, because both cases will address the educational program Student needs to obtain a FAPE. Neither Student nor the County Office of Education opposes the motion. In addition, consolidation furthers the interests of judicial economy because the witnesses and documents will mostly be the same in both cases, and hearing the cases together avoids the potential of conflicting decisions. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015120042 [Student's 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 2016030462 [District's Case].
4. The schedule of the consolidated cases will conform to the schedule already established for the District's case: the mediation shall be held on March 23, 2016; the PHC shall be held on March 28, 2016, at 1:00 p.m.; and the due process hearing shall be held on April 5, 6, and 7, 2016, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: March 14, 2016

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings

