

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PAJARO VALLEY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016020352
PARENT ON BEHALF OF STUDENT, v. PAJARO VALLEY UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015120154 ORDER GRANTING MOTION TO CONSOLIDATE

On November 30, 2015, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015120154 (Student’s Case), naming Pajaro Valley Unified School District.

On February 4, 2016, Pajaro Valley filed a Request for Due Process Hearing in OAH case number 2016020352 (Pajaro Valley’s Case), naming Student.

On February 8, 2016, Pajaro Valley filed a Motion to Consolidate Pajaro Valley’s Case with Student’s Case. Student did not file a response to the motion.

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, Pajaro Valley's Case and Student's Case involve the same parties and a common question of law or fact. Student asserts, in part, that Pajaro Valley failed to adequately assess Student for at least the past two years and failed to offer the services and supports recommended in a May 2015 assessment report. Pajaro Valley seeks an order allowing it to assess Student, pursuant to its December 15, 2015 assessment plan, without parental consent. The analysis of these issues will require similar factual findings related to whether past assessments were timely and appropriate and whether additional assessments were necessary. The issues presented, while not identical, are sufficiently intertwined that consolidation is appropriate. Student did not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the matters will likely involve many of the same documents and witnesses. Accordingly, consolidation is granted.

ORDER

1. Pajaro Valley's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015120154 (Student's Case) are vacated.
3. The matter will proceed on the dates currently set in OAH Case Number 2016020352 (Pajaro Valley's Case).
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 2016020352 (Pajaro Valley's Case).

DATE: February 12, 2016

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LISA LUNSFORD
Administrative Law Judge
Office of Administrative Hearings