

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAUGUS UNION SCHOOL DISTRICT,	OAH Case No. 2015040358 (Primary)
SAUGUS UNION SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015050446 ORDER GRANTING MOTION TO CONSOLIDATE AND CONTINUING CONSOLIDATED MATTERS TO DATES IN STUDENT’S CASE

On March 27, 2015, Parent on Student’s behalf filed a Request for Due Process Hearing (complaint) in OAH case number 2015040358 (Student’s Case), naming Saugus Union School District (District). Student filed an amended complaint on May 8, 2015. On May 11, 2015, District filed a complaint in OAH case number 2015050446 (District’s Case), naming Student by and through his Parents. On May 11, 2015, District filed a Motion to Consolidate Student’s Case with District Case. Student did not file an opposition to the motion.

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, the First Case and Second Case involve a common question of law or fact, specifically, whether District’s March 2015 psychoeducational assessment was appropriate. Student asserts that it was not and seeks an independent educational evaluation, and District asserts that the assessment was appropriate and that an independent evaluation at public expense is not justified. Accordingly, in the interests of judicial economy, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015050446 (District's Case) are vacated.
3. The dates in the consolidated matters are continued to those dates set in the Scheduling Order issued by OAH in Student's Case on May 11, 2015.
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 amended complaint in OAH Case Number 2015040358 (Student's Case).

DATE: May 15, 2015

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings