

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

STUDENT,

OAH Case No. 2015110491 (Primary)

v.

ORANGE UNIFIED SCHOOL DISTRICT,

ORANGE UNIFIED SCHOOL DISTRICT,

OAH Case No. 2015110998 (Secondary)

v.

STUDENT.

ORDER: (1) GRANTING DISTRICT'S
MOTION TO CONSOLIDATE AND (2)
GRANTING REQUEST TO CONTINUE
MEDIATION, PREHEARING
CONFERENCE AND HEARING
DATES

On November 6, 2015, Student filed a request for due process hearing (complaint) in OAH case number 2015110491 (Student's Case), naming Orange Unified School District. On November 23, 2015, District filed a complaint in OAH case number 2015110998 (District's Case), naming Student. On November 23, 2015, District filed a motion to consolidate Student's Case with District's Case. OAH did not receive an opposition.

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

Student's complaint alleges that District improperly conducted and interpreted a psychoeducational assessment of Student in January 2014, causing it to erroneously find Student ineligible for special education and related services. District's complaint alleges that Student's parents requested an independent educational evaluation at public expense in June

and October 2015, that District denied the requests, and seeks to defend its psychoeducational assessment as appropriate. District moves to consolidate the two cases as involving the same issues and witnesses.

Here, the Student's Case and the District's Case involve common questions of law or fact, specifically, whether Student should have been found eligible for special education and related services pursuant to the January 2014 assessment by District. Consolidation furthers the interest of judicial economy because the same witnesses and evidence will be presented in both cases. Consolidation will avoid the duplication of time, expense and resources involved in having these matters proceed to hearing separately.

The dates in District's Case are scheduled to occur before the dates scheduled in Student's Case. District's motion to consolidate is deemed to include a request for continuance of the mediation, prehearing conference and due process hearing dates in District's Case to the dates currently scheduled for Student's Case. OAH has reviewed the request for good cause and considered all relevant facts and circumstances, and the request for continuance is granted. In accordance with OAH scheduling guidelines, multiple days will be reserved for the due process hearing as well.

ORDER

1. District' motion to consolidate Student's Case (OAH case number 2015110491) and District's Case (OAH case number 2015110998) is granted.
2. All dates in District' case are vacated.
3. District's request to continue the consolidated matters to the dates currently set in Student's Case is granted.
4. Mediation in the consolidated matters is continued to 9:30 a.m. on December 15, 2015. The prehearing conference shall take place at 3:00 p.m. on December 21, 2015. OAH will initiate the call. The due process hearing shall be held on December 31, 2015, and January 5-6, 2016, at 9:30 a.m. on the first day, and 9:00 a.m. thereafter, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
5. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of Student's Case.

DATE: December 4, 2015

/s/
ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings