BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAN DIEGO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018030762
SAN DIEGO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018041298 ORDER GRANTING MOTION TO CONSOLIDATE

On March 16, 1018, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings, naming San Diego Unified School District. OAH designated the case as OAH case number 2018030762 (Student's Case). On April 27, 2018, San Diego Unified School District filed a Request for Due Process Hearing with OAH, naming Student. OAH designated the case as OAH case number 2018041298 (District's Case).

On April 27, 2018, District filed a Motion to Consolidate District's Case with Student's Case and to move forward with the hearing dates set in Student's Case. On May 2, 2018, Student filed a response to District's Motion to Consolidate but did not oppose consolidation.[1]

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].)

[1] Student's response was filed in Student's Case but will be considered as if filed in District's Case.

Student's Case and District's Case involve the same parties and common questions of law and fact. Student's Case involves several issues related to whether District offered Student a free appropriate public education during the 2017-2018 school year. District's Case involves one issue related to whether the February 28, 2018 individualized education program offered Student a free appropriate public education in the least restrictive environment. Therefore, both cases will involve law and facts related to the February 28, 2018 individualized education program. Additionally, both cases are likely to involve some of the same evidentiary documents and witnesses. Therefore, consolidation furthers the interests of judicial economy and efficiency in that the parties' issues can be resolved in one due process hearing. Finally, Student does not oppose consolidation. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.

2. Student's Case, OAH case number 2018030762, is the primary case in the consolidated matters. All future documents shall be filed in Student's Case.

3. All dates set in District's Case, OAH case number 2018041298, are vacated. The consolidated matters shall proceed on the hearing dates set in Student's Case.

4. The 45-day timeline for issuance of the decision in the consolidated matters shall be based on the date of filing of the complaint in Student's Case.

IT IS SO ORDERED.

DATE: May 4, 2018

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Tara Doss
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TARA DOSS
Administrative Law Judge
Office of Administrative Hearings