BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: SUNNYVALE SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2014100583
PARENT ON BEHALF OF STUDENT , v. SUNNYVALE SCHOOL DISTRICT.	OAH Case No. 2014080013 ORDER GRANTING MOTION TO CONSOLIDATE

On July 28, 2014, attorney Natashe Washington, on behalf of Student, filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2014080013 (First Case), naming Sunnyvale School District. A joint request for continuance was granted on August 27, 2014.

On October 14, 2014, attorney Matthew Tamel, on behalf of Sunnyvale, filed a Request for Due Process Hearing in OAH case number 2014100583 (Second Case), naming Student. On that same date, Sunnyvale filed a Motion to Consolidate the First Case with the Second Case.

On October 15, 2014, Student filed an opposition to Sunnyvale's motion to consolidate. On October 15, 2014, Sunnyvale filed a reply to Student's opposition to consolidate.

APPLICABLE LAW AND DISCUSSION

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 offered Student a free appropriate public education during the 2014-2015 school year. In addition, consolidation furthers the interests of judicial economy because the commonality of legal and factual issues, if litigated separately, would necessitate calling some of the same witnesses and using some of the same documentary evidence. Accordingly, consolidation is granted.

ORDER

1. Sunnyvale's Motion to Consolidate is granted.

2. All dates previously set in OAH Case Number 2014080013 (First 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 2014100583 (Second Case).

4. As OAH Case Number 2014100583 was newly filed, scheduling dates have not yet been set. Therefore, OAH shall issue a scheduling order for OAH Case Number 2014100583 and the matter shall proceed upon the dates set forth in that scheduling order.

DATE: October 17, 2014

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings