BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. OAKLAND UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013100534 (PRIMARY)
PARENT ON BEHALF OF STUDENT, v. OAKLAND UNIFIED SCHOOL DISTRICT AND TOBIN WORLD II.	OAH CASE NO. 2013110827 (SECONDARY) ORDER GRANTING MOTION TO CONSOLIDATE

On October 11, 2013, Parent on behalf of Student (Student) filed a Request for Due Process Hearing in OAH Case Number 2013100534 (First Case), naming Oakland Unified School District (District).

On November 22, 2013, Student filed a second Request for Due Process Hearing in OAH Case Number 2013110827 (Second Case), naming the District and Tobin World II, a non-public school.

On December 4, 2013, the District filed a Motion to Consolidate the First Case with the Second Case.

On December 5, 2013, Student filed an objection to consolidation on the ground that OAH Case No. 2013110827 (second case) is primarily against Tobin World II, and Student cannot wait until February for hearing

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].)

Here, the First Case and Second Case involve a common question of law or fact, specifically; both cases are directed against the District. While Student has named Tobin World II as a party, the non-public placement is pursuant to Student's IEP through the District. In addition, consolidation furthers the interests of judicial economy because each case involves the same issues, parties, and witnesses. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. OAH Case Number 2013100534 is deemed the primary case. All dates previously set in OAH Case Number 201310054 (PRIMARY) shall remain as scheduled. All dates set under OAH Case No. 2013110827 (SECONDARY) 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 2013100534 (PRIMARY).

Dated: December 09, 2013

/s/
JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings