BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAN MATEO-FOSTER CITY SCHOOL DISTRICT,	OAH Case No. 2015040885
SAN MATEO-FOSTER CITY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015030258 ORDER GRANTING MOTION TO CONSOLIDATE

On March 4, 2015, San Mateo-Foster City School District filed a due process hearing request in OAH case number 2015030258 (San Mateo-Foster City's Case), naming Student as respondent.

On April 16, 2015, Student filed a due process hearing request in OAH case number 2015040885 (Student's Case), naming San Mateo-Foster City as respondent.

On April 30, 2015, San Mateo-Foster City filed a motion to consolidate its case with Student's case. No response was received from Student.

APPLICABLE LAW

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases; however, OAH will generally consolidate matters that involve: common questions of law or fact; the same parties; and when consolidating the matters furthers 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

Here, both cases involve the same parties and although the legal issues are not identical, they overlap to a degree that warrants consolidation. San Mateo-Foster City seeks a determination that the Behavior assessment it conducted of Student in January 2015 met all legal requirements. Student seeks, among other things, for Parents to be able to observe Student in the school setting to confirm whether or not he demonstrates maladaptive behaviors in the school setting. It is likely that many of the same witnesses will testify in both hearings. Student's behavior during the 2014-2015 school year is at issue in both cases. Student did not oppose the motion for consolidation. In light of the forgoing, consolidation is granted.

ORDER

1. San Mateo-Foster City's Motion to Consolidate is granted.
2. The applicable decision timeline in the consolidated matters shall be based on the filing date in OAH Case Number 2015040885 [Student's Case].
3. All dates previously set in OAH Case Number 2015030258 [San Mateo-Foster City's Case] are vacated and the matter will proceed on the dates currently scheduled in OAH Case Number 2015040885 as follows:

   Prehearing Conference: June 5, 2015, at 1:00 PM

   Due Process Hearing: June 11, 2015, from 9:30 AM-5:00 PM; and day-to-day thereafter, Monday through Thursday at the discretion of the Administrative Law Judge.

IT IS SO ORDERED

DATE: May 13, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings