BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. SAN DIEGUITO UNION HIGH SCHOOL DISTRICT,	OAH Case No. 2015060556
SAN DIEGUITO UNION HIGH SCHOOL DISTRICT v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2015090977 ORDER GRANTING MOTION TO CONSOLIDATE

On May 26, 2015, Parents on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process naming San Dieguito Union High School District (First Case) which was designated OAH Case number 2015060556.

On September 21, 2015, District filed with OAH a Request for Due Process Hearing naming Student (Second Case) which was designated OAH Case number 2015090977. On September 18, 2015, District filed a motion to consolidate the two cases. District requests that the two cases proceed as scheduled in the Second Case. Student filed an opposition to the motion on September 22, 2015.

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, the appropriateness of the special education services provided Student since the 2013-2014 school year. Student opposes the motion on grounds that District should have filed its complaint in a timelier manner. The scheduled due process hearing in the First Case is scheduled to commence on October 6, 2015; while the due process hearing is scheduled to commence on October 20, 2015 in the District filed Second Case. Since both cases will require testimony from many of the same witnesses and involve the same and/or overlapping issues, judicial economy calls for consolidation. Thus, District has demonstrated good cause for the consolidation of the cases.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015060556 (First Case) are vacated.
3. The consolidated cases shall proceed pursuant to the Scheduling Order dated September 25, 2015, in the Second case.
4. 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 2015090977 (Second Case).

DATE: September 25, 2015

/S/
ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings