BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: SAN MARCOS UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT,	OAH Case No. 2016050647
PARENTS ON BEHALF OF STUDENT, v. SAN MARCOS UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016040286 ORDER GRANTING MOTION TO CONSOLIDATE

On March 30, 2016, Parents on behalf of Student filed a Request for Due Process Hearing in Office of Administrative Hearing case number 2016040286 (Student's Case), naming San Marcos Unified School District.

On May 16, 2016, District filed a Request for Due Process Hearing in OAH case number 2016050647 (District's Case), naming Student.

Also on May 16, 2016, District filed a Motion to Consolidate Student's Case with District's Case. Student opposed the motion during a prehearing conference held on May 16, 2016.

Request for 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].)

Here, Student's Case and District's Case involve identical parties, overlapping witnesses, and a common question of law or fact. In particular, each case raises similar questions related to Student's educational placement during the 2015-2016 school year. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.

2. All dates previously set in OAH case number 2016040286 (Student's Case) are vacated.

3. District's case is designated the primary case and the 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing for OAH case number 2016050647 (District's Case).

4. The consolidated matter shall proceed pursuant to the dates in OAH's May 17, 2016 scheduling order. Mediation shall be held on May 31, 2016, at 9:30 a.m. The telephonic prehearing conference shall be held on June 3, 2016, at 10:00 a.m. The due process hearing shall be held on June 9, 2016, unless otherwise ordered.

DATE: May 18, 2016

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Paul H. Kamoroff
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PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings