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. 2017041163
SAN DIEGUITO UNION HIGH SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2017010382 ORDER GRANTING MOTION TO CONSOLIDATE

On January 13, 2017, San Dieguito Union High School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2017010382 (District's Case), naming Student. On January 25, 2017, OAH granted the parties' joint request for continuance.

On April 26, 2017, Student filed a Request for Due Process Hearing in OAH case number 2017041163 (Student's Case), naming District.

On April 26, 2017, Student filed a Motion to Consolidate Student's Case with District's Case and to continue the due process hearing date set in Case Number 2017010382 (District's Case).

On April 27, 2017, District filed a statement of non-opposition to consolidation and the continuance of the due process hearing dates in District's Case to the dates set in Student's Case.

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, District's Case and Student's Case involve a common question of law or fact, specifically, they both concern whether the individualized education programs of April 11 and May 17, 2016, offered Student a free appropriate public education. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2017010382 [District's Case] are vacated.
3. OAH Case Number 2017041163 [Student's Case] shall be 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 of the complaint in OAH Case Number 2017041163 [Student's Case].

DATE: April 27, 2017

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Kara Hatfield
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KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings