BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

OAKLAND UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2019101219

and

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2019090877

ORDER GRANTING MOTION TO CONSOLIDATE

On September 23, 2019, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2019090877, Student's Case, naming Oakland Unified School District.

On October 30, 2019, Oakland filed a Request for Due Process Hearing in OAH case number 2019101219, Oakland's Case, naming Student.

On October 30, 2019, Oakland filed a Motion to Consolidate the cases. Student did not file a response to the motion.

CONSOLIDATION

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 the same parties, a common question of law and/or fact, 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, both cases involve a common question of law or fact, specifically, whether Oakland offered Student a free appropriate public education from August 2018 to present. In addition, consolidation furthers the interests of judicial economy because both cases involve common witnesses and documentary evidence and avoids the risk of inconsistent rulings. Accordingly, consolidation is granted.

ORDER

1. Oakland's Motion to Consolidate is granted.
2. Oakland's case, OAH case number 2019101219, is designated as the primary case. All dates previously set in Student's case, OAH case number 2019090877, 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 Oakland's Case, OAH case number 2019101219.

IT IS SO ORDERED.

DATED: November 5, 2019

DocuSigned by:
Rita Defilippis
8BD5FE332F4847E...

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings