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 No. 2018060529
PARENT ON BEHALF OF STUDENT, v. OAKLAND UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017120075 ORDER GRANTING MOTION TO CONSOLIDATE AND DESIGNATING DISRICT CASE AS LEAD CASE

On November 30, 2017, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings in OAH case number 2017120075 (Student's Case), naming Oakland. Student subsequently filed a first and second amended complaint. This matter is scheduled for hearing beginning June 26, 2018, with a prehearing conference on June 18, 2018.

On June 13, 2018, Oakland Unified School District filed a Request for Due Process Hearing in OAH case number 2018060529 (Oakland's Case), naming Student. This matter is scheduled for hearing beginning July 10, 2018, with a prehearing conference on July 2, 2018.

On June 13, 2018, Oakland filed a Motion to Consolidate the two matters. Student filed a non-opposition to Oakland's request for consolidation.

APPLICABLE LAW

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].)

DISCUSSION

Oakland seeks to defend the appropriateness of its May 7, 2018, individualized education program offer. Student's case includes issues such as the appropriateness of Oakland's previous offers of placement and services, failing to assess, failing to prepare individual transition plans, as well as various other substantive and procedural violations during the 2015-2016, 2016-2017 and 2017-2018 school years. Both cases address the conduct and appropriateness of Oakland's offers of FAPE to Student during the 2017-2018 school year. Both cases involve common questions of law or fact. Thus, consolidation is warranted and will prevent the risk of inconsistent rulings. Additionally, consolidation furthers the interests of judicial economy because both cases involve the same parties, many of the same witnesses will be required to testify in each proceeding, and each matter will also involve the introduction of some of the same documents. Accordingly, consolidation is granted.

When consolidating cases, OAH designates the statutory timelines applicable to the consolidated maters to be controlled by one of the cases. Here, the statutory timelines shall be controlled by Oakland's Case.

ORDER

1. The Motion to Consolidate is GRANTED.
2. All dates previously set in OAH Case Number 2017120075, Student's Case, are VACATED.
3. The consolidated matters shall now proceed on the dates scheduled for Oakland's Case, OAH Case Number 2018060529. The prehearing conference shall be held on July 2, 2018, at 1:00 p.m., and the due process hearing will begin on July 10, 2018, at 9:30 a.m., and continue day to day as needed, at the discretion of the Administrative Law Judge.
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 2018060529, Oakland's Case.

IT IS SO ORDERED.

DATE: June 15, 2018



CYNTHIA FRITZ
Administrative Law Judge
Office of Administrative Hearings