BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: SAN MATEO UNION HIGH SCHOOL DISTRICT , v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2019020384 ORDER DENYING MOTION TO CONSOLIDATE WITHOUT PREJUDICE

On February 11, 2019, San Mateo Union High School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2019020384, District's Case, naming Student.

On February 20, 2019, Student filed a Request for Due Process Hearing in OAH case number 2019020740, Student's case, naming San Mateo.

On February 20, 2019, Student filed a Motion to Consolidate Student's Case with District's Case. On February 21, 2019, San Mateo filed a first motion to amend. On February 22, 2019, San Mateo filed an objection to consolidation on the grounds the request is no longer based on the operative complaint.

APPLICABLE LAW AND DISCUSSION

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 filed to consolidate District's case when it was originally pled as a single issue. San Mateo has subsequently amended its complaint to a two issue matter. As Student's motion to consolidate is no longer based on the operative complaint, Student's motion to consolidate is denied without prejudice.

ORDER

1. Student's Motion to Consolidate is denied without prejudice.

IT IS SO ORDERED.

DATE: February 22, 2019

DocuSigned by:
Tiffany Gilmartin
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TIFFANY GILMARTIN
Administrative Law Judge
Office of Administrative Hearings