BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CAPISTRANO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2019020637
CAPISTRANO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2019011184 ORDER GRANTING MOTION TO CONSOLIDATE

On January 30, 2019, Capistrano Unified School District filed a Request for Due Process Hearing in OAH case number 2019011184 (District's Case), naming Parent on behalf of Student as respondent (Student). On February 19, 2019, Student filed a Request for Due Process Hearing in OAH case number 2019020637 (Student's Case), naming Capistrano Unified School District as respondent.

On February 20, 2019, Capistrano filed a Motion to Consolidate Student's Case with Capistrano's Case. Later in the day on February 20, 2019, Student filed notice that Capistrano's request was not opposed.

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, the two cases involve a common question of law or fact, specifically, issues pertaining to the assessment of Student. Consolidating the cases avoids the need for two

hearings involving duplicative testimony, thereby, serving the interests of judicial economy. Student does not oppose consolidation. Accordingly, consolidation is granted.

ORDER

1. Capistrano's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2019011184 District's Case are hereby vacated. The case shall proceed on the dates stated in the February 19, 2019 scheduling order in case number 2019020637.
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 OAH Case Number 2019020637 (Student's Case).

IT IS SO ORDERED.

DATE: February 20, 2019

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Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings