

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. 2013030300

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2013020044

ORDER GRANTING MOTION TO  
CONSOLIDATE

On January 30, 2013, Student filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2013020044 (First Case), naming Oakland Unified School District (District).

On March 11, 2013, District filed a Request for Due Process Hearing in OAH case number 2013030300 (Second Case), naming Student.

On March 11, 2013, District filed a Motion to Consolidate the First Case with the Second Case. Student did not file a response to the motion.

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, the First Case and Second Case involve a common question of law or fact, specifically, both cases concern the appropriateness and/or scope of District's assessments from May 20, 2012. Both cases also concern whether District should pay for independent

educational evaluations for student. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases will involve testimony and witnesses regarding the May 20, 2012 individualized education program team meeting. Accordingly, consolidation is granted.

#### ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013020044 (First Case) are vacated.
3. The dates set in OAH Case Number 2013030300 (Second Case) will remain on calendar and will be the dates set for this consolidated matter.
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 2013030300 (Second Case).

Dated: March 15, 2013

/s/

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MARGARET BROUSSARD  
Administrative Law Judge  
Office of Administrative Hearings