

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGUITO UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2014030299

ORDER GRANTING MOTION TO
CONSOLIDATE

On March 5, 2014, Parent on behalf of Student (Student) filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing in OAH case number 2014030299 (First Case), naming the San Dieguito Union High School District (District) as respondent.

On May 23, 2014, the District filed with OAH a Request for Due Process Hearing in OAH case number 2013051269 (Second Case), naming Student as respondent.

On May 23, 2014, the District filed in the First Case a Motion to Consolidate the First Case with the Second Case. The District requests that the consolidated case go to hearing at the same date as scheduled in the First Case, June 9, 2014.

On May 30, 2014, Student filed a statement of non-opposition to the District's consolidation motion.

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 First Case and Second Case involve a common question of law or fact, specifically, whether the education program offered by the District constitutes a free public education. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases require the testimony of the same witnesses and exhibits. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted. OAH Case Number 2014030299 will be designated the primary case.
2. All dates previously set in OAH Case Number 2014030299 [First Case] will apply to the consolidated case. The Prehearing Conference will be held on June 2, 2014 and the Due Process Hearing will commence on June 9, 2014.
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 2014051269 [Second Case].

DATE: May 30, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings