

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2014051129

SAN DIEGO UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014051120

ORDER GRANTING MOTION TO
CONSOLIDATE

On May 21, 2014, San Diego Unified School District filed with the Office of Administrative Hearing, a Request for Due Process Hearing in OAH case number 2014051120 (First Case), naming Student.

On May 27, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014051129 (Second Case), naming District.

On May 27, 2014, Student filed a Motion to Consolidate the First Case with the Second Case.¹

District 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

¹ Student's consolidation motion did not request that OAH keep the continued hearing dates in OAH case number 2014051120.

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 and fact, specifically, the adequacy of District's April 2014 assessments. In addition, consolidation furthers the interests of judicial economy because of the commonality of legal and factual issues, plus documentary evidence and witnesses. Accordingly, consolidation is granted

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014051120 [First Case] are vacated.
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 2014051129 [Second Case].

DATE: June 3, 2014

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings