

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2014080385
v.	
CHARTER OAK UNIFIED SCHOOL DISTRICT,	
CHARTER OAK UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014080022
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On July 31, 2014, Charter Oak Unified School District filed a Request for Due Process Hearing with the Office of Administrative Hearings in OAH case number 2014080022 (First Case), naming Student.

On August 11, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014080385 (Second Case), naming District.

On August 12, 2014, Student filed a Motion to Consolidate the First Case with the Second Case. OAH received no response from District.

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, regarding whether District's April 2014 individualized education program provides Student with a free appropriate public education. In addition, consolidation furthers the interests of judicial economy because of the commonality of legal and factual issues, 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 2014080022 [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 2014080385 [Second Case].

DATE: August 18, 2014

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings