

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2014090279
v.	
TRACY UNIFIED SCHOOL DISTRICT.	
TRACY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014080600.
v.	
PARENT ON BEHALF OF STUDENT.	ORDER FOLLOWING PREHEARING CONFERENCE AND GRANTING MOTION TO CONSOLIDATE

On August 18, 2014, Tracy had filed a complaint in OAH case number 2014080600 (Tracy's Case), naming Student. On September 8, 2014, a telephonic prehearing conference was held before Administrative Law Judge Rebecca Freie in OAH Case No. 2014080600. Rod Levin, Attorney at Law, represented Tracy Unified School District (Tracy). Christian Knox, Attorney at Law, represented Student. The PHC was recorded.

On September 5, 2014, Student filed a Request for Due Process Hearing (complaint) in OAH case number 2014090279 (Student's Case), naming Tracy Unified School District (Tracy). On September 5, 2014, Student also filed a motion to consolidate the two cases, and on September 8, 2014, Tracy filed a nonopposition to the motion to consolidate.

At a prehearing conference on September 8, 2014, the ALJ granted the motion for consolidation. The instant order is written confirmation of the oral order made at the PHC concerning the case filed by Tracy.

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 Student's Case and Tracy's Case involve a common question of law or fact. Consolidation furthers the interests of judicial economy because the same evidence may be presented in each case. Accordingly, consolidation is granted.

ORDER

Based on discussion of the parties, the ALJ makes the following orders:

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014080600 (Tracy's 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 2014090279 (Student's Case). The consolidated case shall proceed as scheduled pursuant to the scheduling order issued in that case on September 9, 2014.

DATE: September 12, 2014

/s/
REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings