

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENTS ON BEHALF OF STUDENT,	OAH Case No. 2014110296 (Primary)
v.	
SAN DIEGUITO UNION HIGH SCHOOL DISTRICT,	
SAN DIEGUITO UNION HIGH SCHOOL DISTRICT,	OAH Case No. 2014080572
v.	
PARENTS ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On August 3, 2014, San Dieguito Union High School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2014080572 (First Case), naming Parents on behalf of Student as respondents.

On November 9, 2014, Student filed with OAH a Request for Due Process Hearing in OAH case number 2014110296 (Second Case), naming San Dieguito as respondent.

On November 9, 2014, Student filed a Motion to Consolidate the First Case with the Second Case. San Dieguito did not file a response to the 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 July 29, 2014 Individualized Education Program proposed by San Dieguito provides Student with a free appropriate public education. San Dieguito has not filed an opposition to Student's motion. Consolidation furthers the interests of judicial economy because both cases involve identical issues. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted. The primary case will be OAH case number 2014110296 [Second Case].
2. All dates previously set in OAH Case Number 2014080572 [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 2014110296 [Second Case].
4. The hearing dates for the consolidated matters shall be as set forth in the Scheduling Order issued by OAH in OAH case number 2014110296 [Second Case].

DATE: November 12, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings