

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015021068
v.	
TRACY UNIFIED SCHOOL DISTRICT,	
TRACY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014070867
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On July 11, 2014, Tracy Unified School District filed a request for due process hearing in OAH case number 20140708670 (First Case), naming Student.

On February 19, 2015, Student filed a request for a due process hearing in OAH case number 2015021068 (Second Case), naming Tracy.

On February 19, 2015, Student also filed a motion to consolidate the First Case with the Second Case. Tracy filed a notice of non-opposition to Student's motion to consolidate.

APPLICABLE LAW

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 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].)

DISCUSSION

Here, the First Case and Second Case involve a common question of law or fact, specifically, both cases put at issue whether or not Student was offered a free appropriate public education during the 2014-2015 school year. Tracy does not oppose the motion. In

addition, consolidation furthers the interests of judicial economy because many of the same witnesses will likely be called in both cases. Accordingly, consolidation is granted. When consolidating cases, OAH must determine the case that is primary case for the purpose of calculating the applicable timelines. In this case, OAH Case No. 2015021068 (Second Case) is designated as primary case.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014070867 (First Case) are vacated
3. The timeline for issuing the decision in the consolidated cases shall be based on the date the complaint in OAH Case Number 2015021068 (Second Case) was filed.

DATE: February 25, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings