

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015080260 (Primary)
v.	
SAN DIEGO UNIFIED SCHOOL DISTRICT,	
SAN DIEGO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015120152
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE AND SETTING HEARING DATES IN CONSOLIDATED MATTERS

On August 4, 2015, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015080260 (Student's Case), naming San Diego Unified School District (District). Student filed an amended complaint (complaint) on December 3, 2015.

On December 3, 2015, District filed a Request for Due Process Hearing in OAH case number 2015120152 (District's Case), naming Parents on Student's behalf. On the same date, District filed a motion to consolidate Student's Case with District's Case, and Student filed a notice of non-opposition.

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].)

Student's Case and District's Case involve a common question of law or fact. Both cases involve the appropriateness of District offer of a free appropriate public education in May 2015. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because the witnesses and evidence in both cases are likely to be the same or similar. Consolidation will promote the interests of judicial economy. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015120152 [District's Case] are vacated. The consolidated matters shall be scheduled consistent with the scheduling order in Student's Case.
3. The 45-day timeline for the decision in this matter shall be based upon the dates in Student's Case, OAH Case No. 2015080260 (Primary).

DATE: December 08, 2015

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings