BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2020030412

and

SAN DIEGO UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2020030928

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020030412

ORDER GRANTING MOTION TO CONSOLIDATE

APRIL 1, 2020

On March 10, 2020, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case Number 2020030412, First Case, naming San Diego Unified School District.

On March23, 2020, San Diego Unified School District filed a Request for Due Process Hearing in OAH Case Number 2020030928, Second Case, naming Student.

On March 23, 2020, San Diego Unified School District filed a Motion to Consolidate First Case with Second Case.

Student did not file a response to the motion.

CONSOLIDATION

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, 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, First Case and Second Case involve a common question of law or fact, specifically, appropriateness of assessments. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases involve common questions of law and fact.

ORDER

1. San Diego Unified School District's Motion to Consolidate is granted.

2. Student's case, First Case, is designated as the primary case. All dates previously set in San Diego Unified School District's case, Second Case, OAH case number 2020030928 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 Student's case, Primary Case, OAH case number 2020030412.

IT IS SO ORDERED.



Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings