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 No. 2017081305
SAN DIEGO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017090642 ORDER GRANTING MOTION TO CONSOLIDATE AND DESIGNATING STUDENT'S CASE AS LEAD CASE

On August 31, 2017, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2017081305 (Student's Case), naming San Diego Unified School District.[1] Student's Case is scheduled for mediation on October 5, 2017; a prehearing conference on October 20, 2017; and hearing beginning October 25, 2017.

On September 19, 2017, San Diego filed a Request for Due Process Hearing in OAH case number 2017090642 (San Diego's Case), naming Student.

On September 19, 2017, San Diego filed a Motion to Consolidate the two cases. Student has not filed a response to the motion.

APPLICABLE LAW

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

[1] Student's request for hearing was received after business hours on August 30, 2017. It is deemed filed as of the next business day.

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].)

DISCUSSION

San Diego seeks to consolidate the two cases as they involve similar issues regarding Student's June 7, 2017 individualized education program. San Diego's issue for hearing is whether the June 2017 IEP offers Student a free appropriate public education in the least restrictive environment. Student identifies as issues for hearing whether San Diego denied her a FAPE by preventing Parent for meaningfully participating in the decision making process when it failed to make a clear offer of FAPE, and whether it failed to implement the June 2017 IEP.

Here, San Diego's Case and Student's Case involve common questions of law and fact. Accordingly, consolidation is warranted and will prevent the risk of inconsistent rulings. In addition, consolidation furthers the interest of judicial economy because both cases involve the same parties, and many of the same witnesses will be required to testify in each proceeding. Each matter will also involve the introduction of the same or similar documents.

When consolidating cases, OAH designates the statutory timelines applicable to the consolidated matters to be controlled by one of the cases. Here, the statutory timelines shall be controlled by Student's Case.

ORDER

1. San Diego's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2017090642, San Diego's Case, are vacated.
3. The consolidate matter shall now proceed on the dates currently scheduled for Student's Case. The mediation shall be held on October 5, 2017, at 9:30 a.m., with a prehearing conference on October 20, 2017, at 3:00 p.m., and hearing shall begin on October 25, 2017, at 9:30 a.m., and continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

4. 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 2017081305, Student's Case.

IT IS SO ORDERED.

DATE: September 28, 2017

DocuSigned by:
Theresa Ravandi
180B9BDB98E5424...

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings