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. 2015060967
SAN DIEGO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015080848 ORDER GRANTING MOTION TO CONSOLIDATE

On August 17, 2015, the Office of Administrative Hearings granted Student's motion to file an amended Request for Due Process Hearing in OAH case number 2015060967 (Student's Case), naming San Diego Unified School District.

On August 20, 2015, District filed a Request for Due Process Hearing in OAH case number 2015080848 (District's Case), naming Student.

On August 20, 2015, District filed a Motion to Consolidate Student's Case with District's Case. Student 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 District's July 2015 individualized educational program provides Student with a free appropriate public education. Consolidation furthers the interests of judicial economy because both cases will involve the same witnesses and factual and legal issues. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. 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 2015060967 (Student's Case), which is designated the primary case.
3. All dates previously set in OAH Case Number 2015080848 (District's Case) are vacated. Matter shall proceed as scheduled on dates in OAH Case Number 2015060967 (Student's Case).

DATE: August 27, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings