

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013100126
v.	
MT. DIABLO UNIFIED SCHOOL DISTRICT,	
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MT. DIABLO UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013070360
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On July 5, 2013, The Mt. Diablo Unified School District (District) filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2013070360 (First Case), naming Student. On September 30, 2013, Student filed a Request for Due Process Hearing in OAH case number 2013100126 (Second Case), naming District.

On October 7, 2013, Student filed a Motion to Consolidate the First Case with the Second Case. On October 11, 2013, the District filed a non-opposition to the Motion to Consolidate.

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 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

Here, the First Case and Second Case involve a common question of law or fact, specifically, the provision of a free appropriate public education to Student during the 2013-2014 school year. Consolidating the cases will further the interests of judicial economy and prevent the possibility of inconsistent rulings. The District does not oppose the motion. Accordingly, consolidation is granted.

## ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013070360 (First Case) 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 OAH Case Number 2013100126 (Second Case). The mediation, prehearing conference and due process hearing will proceed as scheduled in the Second Case.

Dated: October 14, 2013

/s/

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MARGARET BROUSSARD  
Administrative Law Judge  
Office of Administrative Hearings