

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SACRAMENTO CITY UNIFIED SCHOOL DISTRICT, | OAH CASE NO. 2013100405 |
| SACRAMENTO CITY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT. | OAH CASE NO. 2013101109 ORDER GRANTING MOTION TO CONSOLIDATE |

On October 10, 2013, Parent on Student’s behalf filed a Request for Due Process Hearing in OAH case number 20100405 (First Case), naming Sacramento City Unified School District (District). On October 30, 2013, District filed a Request for Due Process Hearing in OAH case number 2013101109 (Second Case), naming Parents on Student’s behalf. On October 30, 2013, District also filed a Motion to Consolidate the First Case with the Second Case. OAH did not receive a response from Student to the motion to consolidate.

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 or not District’s September 2013 psycho-educational assessment was appropriate, and, if not, whether Student is entitled to an independent educational evaluation at public expense . Consolidation furthers the interests of judicial economy because at least one of the issues in both cases involves the same facts. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2010101109 [Second Case] are vacated.
3. The matter shall proceed on the dates set in OAH Case Number 20100405 [First Case], unless otherwise ordered, and those dates are confirmed.
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 20100405 [First Case].

Dated: November 6, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings