

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN MARCOS UNIFIED SCHOOL
DISTRICT.

OAH CASE NOS. 2013101083 and
2013110340

ORDER GRANTING MOTION TO
CONSOLIDATE

On October 29, 2013, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Complaint (Student Complaint) that named the San Marcos Unified School District (District). OAH has assigned case number 2013101083 to the Student Complaint. Currently pending in the Student Complaint are a mediation set for December 3, 2013, a prehearing conference set for December 16, 2013, and a due process hearing set for December 24, 2013.

On November 8, 2013, the District, through counsel, filed with OAH a Request for Due Process Hearing (District Complaint) that named Student. OAH has assigned case number 2013110340 to the District Complaint. Currently pending in the District Complaint are a mediation set for November 21, 2013, a prehearing conference set for November 25, 2013, and a due process hearing set for December 3, 2013.

On November 8, 2013, the District filed with OAH a Motion to Consolidate the Student and District Complaints. Student has not filed with OAH a response to this motion.

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 Student and District Complaints involve common questions of law or fact, consolidation of the cases will further judicial economy, and Student has not opposed the District motion. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted. OAH case numbers 2013101083 and 2013110340 are hereby consolidated.
2. The prehearing conference and due process hearing dates previously set in OAH case number 2013110340 (District Complaint) are vacated. (The parties have agreed to mediate on the mediation date set in the District Complaint).
3. The prehearing conference and due process hearing dates set in OAH case number 2013101083 (Student Complaint) shall become the hearing dates in the consolidated matters.
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 2013101083 (Student Complaint)

Dated: November 19, 2013

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings