

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

SEQUOIA UNION HIGH SCHOOL
DISTRICT,

OAH CASE NO. 2013020829

SEQUOIA UNION HIGH SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013010946

ORDER GRANTING MOTION TO
CONSOLIDATE

On January 29, 2013, Sequoia Union High School District (District) filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2013010946 (First Case), naming Student.

On February 22, 2013, Student filed a Request for Due Process Hearing in OAH case number 2013020829 (Second Case), naming District.

On February 22, 2013, Student filed a Motion to Consolidate the First Case with the Second Case.

District did not file a response to the motion. However, Student's motion asserts that District does not oppose the request 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, included in both the District's and the Student's complaints is the issue of the appropriateness of Student's placement in the 2012-2013 school year. According to Student, the District does not oppose the motion and the District has not filed a response. In addition, consolidation furthers the interests of judicial economy because one hearing with save time as much of the evidence and witnesses will likely be the same and consolidation will prevent the possibility of inconsistent rulings. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013010946 (First Case) are vacated. The consolidated cases shall proceed on the dates scheduled in OAH Case number 2013020829 (Second Case) which are: mediation on March 27, 2013, a prehearing conference on April 10, 2013, at 1:30 p.m., and due process hearing on April 18, 2013, and continuing day-to-day. Mediation is voluntary and either party may cancel by giving proper notice to the parties and OAH.
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 2013020829 (Second Case).

IT OS SO ORDERED.

Dated: February 28, 2013

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings