

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN MATEO-FOSTER CITY UNIFIED
SCHOOL DISTRICT.

OAH CASE NOS. 2013110552 and
2013110229

ORDER GRANTING MOTION TO
CONSOLIDATE

On November 5, 2013, the San Mateo-Foster City Unified School District (District), through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Complaint (District Complaint) that named Student. OAH has assigned the District Complaint case number 2013110229. Currently pending in the District Complaint is a prehearing conference set for November 25, 2013, and a due process hearing set for December 3, 2013.

On November 15, 2013, Student, through counsel, filed with OAH a Request for Due Process Complaint (Student Complaint) that named the District. OAH has assigned the Student Complaint case number 2013110552. Currently pending in the Student Complaint is a mediation set for December 24, 2013, a prehearing conference set for January 3, 2014, and a due process hearing set for January 9, 2014.

Also, on November 15, 2013, Student filed with OAH a Request to Consolidate the District and Student Complaints. The District has not filed with OAH a response to this request.

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 District and Student Complaints involve common questions of law and fact, and consolidation will further judicial economy for all parties. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted. OAH case numbers 2013110229 and 2013110552 are hereby consolidated.
2. All dates previously set in OAH case number 2013110229 (District Complaint) are vacated.
3. The mediation and hearing dates set in OAH case number 2013110552 (Student Complaint) shall become the mediation and hearing dates for 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 2013110552 (Student Complaint).

Dated: November 20, 2013

/s/

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