

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  SWEETWATER UNION HIGH SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2014040733
PARENT ON BEHALF OF STUDENT,  v.  SWEETWATER UNION HIGH SCHOOL DISTRICT.	OAH CASE NO. 2014010507 [PRIMARY]  ORDER GRANTING STIPULATED MOTION TO CONSOLIDATE AND SETTING MEDIATION, PREHEARING CONFERENCE AND DUE PROCESS HEARING IN CONSOLIDATED CASES

On January 14, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014010507 (First Case), naming Sweetwater Union High School District (District).

On April 15, 2014, District filed a Request for Due Process Hearing in OAH case number 2014040733 (Second Case), naming Student.

On April 15, 2014, District filed a Stipulated Motion to Consolidate the First Case with the Second Case and to vacate the due process hearing date set in Case Number 2014010507 (First Case) and to set the consolidated matters for hearing consistent with dates set in Case Number 2014040733 (Second Case).

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, First Case and Second Case involve a common question of law or fact, specifically; both complaints allege facts and concern matters involving common questions of law and fact pertaining to alleged substantive and procedural denials of a free appropriate

public education (FAPE) to Student for the 2012-2013 and 2013-2014 school years. In addition, consolidation furthers the interests of judicial economy because both complaints rely on the same evidence and witnesses. Accordingly, consolidation is granted.

#### ORDER

1. The stipulated Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014010507 [First Case] are vacated.
3. The consolidated matters shall be set as follows:  
Mediation: April 30, 2014 at 9:30 a.m.  
Prehearing conference: May 5, 2014 at 1:00 p.m.  
Due Process Hearing: May 13, 2014 at 9:30 a.m. and continuing day to day, Monday through Thursday, as needed at the discretion of the hearing ALJ.
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 2014010507 [First Case] which shall be designated as the primary case.

DATE: April 17, 2014

/s/

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STELLA OWENS-MURRELL  
Administrative Law Judge  
Office of Administrative Hearings