

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAN FRANCISCO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014090303 (Primary Case)
SAN FRANCISCO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2014090694 ORDER GRANTING MOTION TO CONSOLIDATE

On September 8, 2014, Student filed a Request for Due Process Hearing in Office of Administrative Hearings Case No. 2014090303, naming San Francisco Unified School District.

On September 18, 2014, District filed a Request for Due Process Hearing in OAH Case No. 2014090694, naming Student.

On September 18, 2014, District filed a Motion to Consolidate the First Case with the Second Case.

On September 23, 2014, Student filed a statement of clarification of issues, but did not oppose the consolidation.

CONSOLIDATION

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, each case involves questions of law and fact involving independent educational evaluations. Student does not oppose the consolidation. In addition, consolidation furthers the interests of judicial economy because the issues involve the same witnesses and documentary evidence. Accordingly, consolidation is granted.

District did not request a continuance of the consolidated matters. Instead, District requested the dates for due process hearing in Student's Case No. 2014090303, remain as currently scheduled. Student did not oppose this request.

ORDER

1. District's Motion to Consolidate is granted, and the matter shall proceed with Student's Case No. 2014090303 as the primary case.
2. All dates previously set in OAH Case No. 2014090694, District's case, are vacated. Existing dates calendared under OAH Case No. 2014090303 shall remain as currently scheduled.
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 the primary case, OAH Case No. 2014090303.

DATE: September 24, 2014

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings