

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015010235

v.

SEQUOIA UNION HIGH SCHOOL
DISTRICT,

SEQUOIA UNION HIGH SCHOOL
DISTRICT,

OAH Case No. 2014100536

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On October 10, 2014, Sequoia Union filed a Request for Due Process Hearing in Office of Administrative Hearings case number 2014100536 (First Case), naming Student.

On January 4, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015010235 (Second Case), naming Sequoia Union and contemporaneously filed a request to consolidate the First Case with the Second Case. No response was received from Sequoia Union regarding the request to consolidate.

Consolidation

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. OAH generally consolidates matters that involve: a common question of law and/or fact; the same parties; and when consolidation 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 First Case and Second Case involve a common question of law or fact, specifically; both complaints put at issue the August 27, 2014, IEP offered to Student by Sequoia Union. In addition, consolidation furthers the interests of judicial economy because

both cases would involve many of the same witnesses and evidence. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014100536 [First Case] are vacated and the matter will proceed on the dates currently set in OAH Case Number 2015010235 [Second Case].
3. The timeline for issuing a decision in the consolidated cases shall be based on the filing date in OAH Case Number 2015010235 [Second Case].

DATE: January 9, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings