

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

OAKLAND UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016030342
PARENT ON BEHALF OF STUDENT, v. OAKLAND UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016020428 ORDER GRANTING MOTION TO CONSOLIDATE

On February 5, 2016, Student filed a Request for Due Process Hearing and Mediation with the Office of Administrative Hearings in OAH case number 2016020428 (Student’s Case), naming Oakland Unified School District.

On March 7, 2016, Oakland filed its own Request for Due Process Hearing in OAH case number 2016030342 (Oakland’s Case), naming Student. On the same date, Oakland also filed a Motion to Consolidate Student’s Case with District’s Case. Student has not filed a response to the motion.

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, Student’s and Oakland’s Cases involve a common question of law or fact. Student’s complaint alleges a variety of issues regarding Oakland’s denial of Student’s Free Appropriate Public Education (FAPE) during the 2013-2014 through 2015-2016 school years including issues involving assessments. Oakland alleges its December 2015 assessment is appropriate and therefore, it is not required to fund an independent educational assessment. . Both cases involve the same parties. Many of the same witnesses will be testifying in both cases including special education personnel from Oakland, and much of the same evidence

will need to be presented. Student did not oppose the motion. Therefore, consolidation of the matters furthers the interests of judicial economy by saving time and the resources of the parties, their attorneys, and OAH, and prevents conflicting factual findings. Accordingly the motion to consolidate is granted.

ORDER

1. Oakland's motion to consolidate is granted.
2. All dates previously set in OAH Case Number 2016020428, Student's Case are vacated.
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 2016030342, Oakland's Case.
4. The dates currently scheduled in Oakland's case are confirmed as follows: Mediation at 9:30 a.m. on March 22, 2016; Prehearing Conference on March 28, 2015 at 10:00 a.m.; and Due Process Hearing beginning on March 30, 2015 at 9:30 a.m.

IT IS SO ORDERED.

DATE: March 16, 2016

DocuSigned by:
Cheryl Carlson
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CHERYL CARLSON
Administrative Law Judge
Office of Administrative Hearings