

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAN DIEGUITO UNION HIGH SCHOOL DISTRICT,	OAH CASE NO. 2012050089
SAN DIEGUITO UNION HIGH SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012070603 ORDER GRANTING DISTRICT'S MOTION TO CONSOLIDATE

On April 25, 2012, Parent on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2012050089 (First Case), naming the San Dieguito Union High School District (District) as respondent.

On July 18, 2012, the District filed a Request for Due Process Hearing in OAH case number 2012070603 (Second Case), naming Student as respondent.

On July 19, 2012, the District filed a Motion to Consolidate the First Case with the Second Case. On July 23, 2012, Student filed an objection to consolidation on the grounds that Student desires his own case heard separately and the cases are unrelated. Student does admit on page 9 of his opposition that the issues in both cases are “similar.”

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, the First Case and Second Case involve a common question of law or fact, specifically, as both involve whether a free appropriate public education (FAPE) was provided to Student during the same time periods. In the First Case, Student claims that he was denied a FAPE during school years 2010-2011 and 2011-2012. In the Second Case, the District is requesting an order that the District's offers of FAPE at individualized education program meetings in January and June 2011 and March and April 2012 were appropriate. In addition, consolidation furthers the interests of judicial economy because both cases involve similar issues, witnesses, and exhibits. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in the Second Case (OAH Case Number 2012070603) 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 the First Case (OAH Case Number 2012050089). All dates set in the Order Following Prehearing for the First Case, issued on June 20, 2012, will apply to the consolidated case.

Dated: July 26, 2012

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings