

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  OCEANSIDE UNIFIED SCHOOL DISTRICT ,  v.  PARENTS ON BEHALF OF STUDENT,	OAH Case No. 2015070233
PARENTS ON BEHALF OF STUDENT  v.  OCEANSIDE UNIFIED SCHOOL DISTRICT .	OAH Case No. 2015080435  ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On July 6, 2015, Oceanside Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing] in OAH case number 2015070233 (District’s Case), naming Parents on behalf of Student.

On August 10, 2015, Student filed with OAH Request for Due Process Hearing in OAH case number 2015080435 (Student’s Case), naming District.

On September 21, 2015, the parties jointly filed a Stipulation to Consolidate District’s Case with Student’s Case and to have the consolidated cases proceed pursuant to the dates set in District’s Case.

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, District's Case and Student's Case involve a common question of law or fact, specifically, did the District provide Student with a free appropriate public education. Both parties state that the two cases involve many of the same witnesses including experts. Accordingly, consolidation is granted.

#### ORDER

1. The Joint Stipulation to Consolidate is granted. District's Case (OAH Case Number 2015070233) will be designated the primary case.
2. All dates previously set in OAH Case Number 2015080435 (Student's Case) are vacated
3. The matter will proceed as scheduled in OAH Case Number 2015070233 as follows:
  1. Mediation on October 15, 2015
  2. Prehearing Conference on October 26, 2015 at 10:00 a.m.
  3. Due Processing Hearing on November 3-5, 2015.
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 2015070233 (District's Case).

DATE: September 28, 2015

/s/  
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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings