

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT on behalf of STUDENT,

vs.

SAN RAMON VALLEY UNIFIED SCHOOL  
DISTRICT,

OAH CASE NO. 2009010427

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SAN RAMON VALLEY UNIFIED SCHOOL  
DISTRICT,

OAH CASE NO. 2009030681

vs.

PARENT on behalf of STUDENT.

ORDER GRANTING MOTION TO  
CONSOLIDATE

On January 15, 2009, Natashe Washington, Attorney at Law, filed a Request for Due Process Hearing with the Office of Administrative Hearings (OAH) on behalf of Student (Student's complaint), naming San Ramon Valley Unified School District (District). This matter was designated as OAH Case No. 2009010427. On March 2, 2009, OAH granted a stipulated agreement to continue the due process hearing, and set a prehearing conference (PHC) for April 27, 2009, and a hearing for May 11 through May 15, 2009.

On March 12, 2009, the District filed a Request for Due Process Hearing (District's complaint), naming Student. This matter was designated as OAH Case No. 2009030681. On the same date, the District also filed a motion to consolidate the cases, and asked that OAH maintain the previously scheduled dates for the PHC and hearing. Student has not responded to the motion.

DISCUSSION

*Consolidation*

OAH will generally consolidate matters that involve a common question of law and/or fact and that involve the same parties, and when consolidation of the matters furthers the interests of judicial economy and will obviate potentially inconsistent rulings. While no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, California statutes offer, by analogy, a standard

appropriate to special education cases. Government Code section 11507.3, subdivision (a), provides that an administrative law judge “may” order pending administrative proceedings consolidated if they involve “a common question of law or fact . . .” California Code of Civil Procedure section 1048, subdivision (a), applies the same standard to the consolidation of civil cases.

Student contends in her first issue that the District failed to properly assess her, and therefore she was denied a free appropriate public education (FAPE). She asks that the District fund independent educational evaluations (IEEs). The District alleges in its complaint that it properly assessed her in December 2008, and therefore it should not be required to fund the requested IEEs. The above-titled cases generally involve a common question, whether the District properly assessed Student, and common questions of law or fact. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy.

#### ORDERS

1. The District’s Motion to Consolidate is granted, and the above-titled cases are consolidated.
2. All dates previously set for proceedings for OAH Case No. 2009010427 are confirmed.
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 No. 2009010427.

Dated: March 24, 2009

/s/

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REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings