

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT on behalf of STUDENT, v. SAN LORENZO VALLEY UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2010021076
SAN LORENZO VALLEY UNIFIED SCHOOL DISTRICT, v. PARENT on behalf of STUDENT.	OAH CASE NO. 2010020077 ORDER GRANTING MOTION TO CONSOLIDATE

On February 1, 2010, District filed a Request for Due Process Hearing in OAH case number 2010020077 (District Case), naming Student as the Respondent. District alleged that its fall of 2009 psychoeducational and speech and language assessments were proper, such that Student was not entitled to an IEE. On February 24, 2010, Student filed a Request for Due Process Process Hearing in OAH case number 2010021076 (Student Case), naming District as the respondent. Student alleged denials of FAPE for the 2009-2010 school year under various theories, and also alleged that the fall of 2009 triennial assessments were not appropriate. The Student Case included a request for consolidation with District's case. As of March 1, 2010, no opposition was received from District.

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 District Case and Student Case both involve the propriety of the fall of 2009 District assessments and Student has requested consolidation at an early stage of the proceedings. Under these circumstances, consolidation furthers the interest of judicial economy and is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates in the District Case, OAH Case Number 2010020077, are vacated.
3. All dates in the Student Case, OAH Case Number 2010021076, shall apply to the consolidated cases. 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 Student Case, OAH Case Number 2010021076.

Dated: March 1, 2010

/s/

RICHARD T. BREEN
Administrative Law Judge
Office of Administrative Hearings