

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT on behalf of STUDENT,

vs.

LOS ALTOS UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2010030289

LOS ALTOS UNIFIED SCHOOL DISTRICT,

vs.

PARENT on behalf of STUDENT.

OAH CASE NO. 2009120020

ORDER GRANTING MOTION TO
CONSOLIDATE AND GRANTING
MOTION TO CONTINUE AND
SETTING PREHEARING CONFERENCE
AND DUE PROCESS HEARING DATES

On December 1, 2009, the District filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2009120020 (First Case), naming Student. On March 2, 2010, Student filed a Request for Due Process Hearing in OAH case number 2010030289 (Second Case), naming the District.

On March 4, 2010, Student filed a Motion to Consolidate both matters. On March 9, 2010, the District filed a non-opposition to the request to consolidate. On March 10, 2010, the parties filed a joint request to continue the matters to the dates set in case number 2010030289

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 cases involve a common question of law or fact, specifically, the matters involve allegations related to the same time period and the same individualized education

program meetings. Further, the cases likely involve the same witnesses. In addition, the motion to consolidate is unopposed. Accordingly, consolidation is granted.

In addition, the parties requested that the dates previously set in case number 2010030289 remain as the hearing dates in the consolidated matters.

ORDER

1. The Motion to Consolidate is granted. All dates are vacated in both matters.
2. The consolidated matter is continued to the dates previously set in case number 2010030289: Mediation, April 6, 2010, at 9:30 a.m.; Prehearing Conference on April 19, 2010, at 1:30 p.m., and a Due Process Hearing on April 26, 2010.
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 2010030289 [Second Case].

Dated: March 11, 2010

/s/

RICHARD CLARK
Administrative Law Judge
Office of Administrative Hearings