

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. PALO ALTO UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2010070435
PALO ALTO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2011030401 ORDER GRANTING MOTION TO CONSOLIDATE

On July 7, 2010, Student filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2010070435 (First Case), naming the Palo Alto Unified School District (District).

On March 7, 2011, District filed a Request for Due Process Hearing in OAH case number 2011030401 (Second Case), naming Student.

On the same March 7, 2011, District filed a Motion to Consolidate the First Case with the Second Case. Student did not file a response to the motion.

APPLICABLE LAW

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 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); Code of Civ. Proc., § 1048, subd. (a).) The California Code of Civil Procedure section 1048, subdivision (a), applies the same standard to the consolidation of civil cases.

DISCUSSION

In the First Case, Student alleges that District denied him free appropriate public education (FAPE) during the 2010-2011 SY through the present time, as well as during the 2008-2009 and the 2009-2010 school years (SY) and extended school years. Specifically, Student alleges that District denied him a FAPE by failing to appropriately assess him in all areas of suspected disability; failing to provide him appropriate individualized education programs (IEP), failing to hold appropriate IEP team meetings and failing to make appropriate IEP offers, amongst others.

In the Second Case, District raises a single issue regarding whether its IEP offer of January 6, 2011, as clarified in a letter from Dr. Wade dated March 3, 2011, provides Student with a FAPE.

The two cases involve common questions of law, the same parties and the same or similar underlying facts. The issues raised in both cases involve Student's unique educational needs; whether District offered required assessments or provided required services to Student during the past two school years; and whether District, ultimately, provided or denied Student a FAPE.

Evaluating and resolving these issues would most likely involve the same evidence and witnesses, and the analysis and resolution of the same questions of law. Therefore, consolidating the cases will promote judicial economy. Further, Student does not oppose District's motion to consolidate. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted, and the above-titled cases are consolidated.
2. All dates previously set in OAH Case No. 2011030401 (Second Case) 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 OAH Case Number 2010070435 (First Case).

Dated: March 16, 2011

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings