

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  TWIN HILLS UNION SCHOOL DISTRICT & SUNRIDGE CHARTER SCHOOL;	OAH CASE NO. 2010080392
TWIN HILLS UNION SCHOOL DISTRICT & SUNRIDGE CHARTER SCHOOL,  v.  PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2010080805  ORDER GRANTING MOTION TO CONSOLIDATE

On August 4, 2010, Student filed a Due Process hearing request in OAH Case Number 2010080392 (Student’s Case), naming Twin Hills Union School District and Sunridge Charter School (together “District”) as respondents. Student’s Case alleged nine issues regarding the 2009-2010 school year and one issue regarding the 2010-2011 school year. The issues in Student’s Case challenge the assessments, placement, services and goals provided to Student.

On August 23, 2010, District filed a Due Process Hearing Request in OAH Case Number 2010080805 (District’s Case). District also filed a consolidation motion. The sole issue in District’s case is the propriety of assessments performed during the 2009-2010 school year. On August 24, 2010, Student filed a response to the consolidation motion that demanded documents from the District, but did not oppose consolidation. As discussed below, consolidation is warranted.

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, because Student's Case includes allegations about the propriety of District assessments and the educational programs resulting from the assessments, it involves common questions of law and fact with District's Case. Because consolidation would further the interest of judicial economy, consolidation is granted.

#### ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in District's Case, OAH Case Number 2010080805 are vacated. Student's Case, OAH Case Number 2010080392 will be the primary case and all dates previously set in that matter will apply to the consolidated cases.
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 Student's Case, OAH Case Number 2010080392.

Dated: August 25, 2010

/s/

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RICHARD T. BREEN  
Administrative Law Judge  
Office of Administrative Hearings