

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2011010029

v.

SEQUOIA UNION HIGH SCHOOL  
DISTRICT,

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SEQUOIA UNION HIGH SCHOOL  
DISTRICT,

OAH CASE NO. 2010120827

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO  
CONSOLIDATE AND GRANTING  
MOTION TO CONTINUE

On December 20, 2010, District filed a Request for Due Process Hearing in OAH case number 2010120827 (First Case), naming Student (parent/student).<sup>1</sup>

On January 3, 2011, Student filed a Request for Due Process Process Hearing in OAH case number 2011010029 (Second Case), naming District.

On January 3, 2011, Student filed a Motion to Consolidate the First Case with the Second Case and to continue the due process hearing date set in the First Case. District did not file a response to Student's motion.

*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].)

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<sup>1</sup> District's Motion to add hearing days, filed on December 30, 2010, is deemed moot based on this Order.

Here, the First Case and Second Case involve a common question of law or fact, specifically whether District offered Student a FAPE for the 2010 and 2011 school year. District did not oppose the motion. In addition, consolidation furthers the interests of judicial economy because common issues of law and fact can be tried together, and the witnesses are common to both claims. Accordingly, consolidation is granted.

*Continuance*

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

Here, Student's motion to consolidate the First Case and Second Case provides good cause to continue the First Case. All dates for the consolidated matters will be based on the Second Case.

ORDER

1. Student's Motion to Consolidate is granted. OAH Case number 2011010029 shall be the lead case number.
2. All dates previously set in OAH Case Number 2010120827 [First Case] are vacated.
3. All dates for the consolidate cases shall be the dates set forth in the scheduling order issued on January 5, 2011 in OAH Case Number 2011010029 [Second Case].
4. 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 2011010029 [Second Case].

Dated: January 7, 2011

/s/

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DEBORAH MYERS-CREGAR  
Administrative Law Judge  
Office of Administrative Hearings