

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. RAVENSWOOD CITY SCHOOL DISTRICT, | OAH CASE NO. 2011030484 |
| RAVENSWOOD CITY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT. | OAH CASE NO. 2011030484 ORDER GRANTING MOTION TO CONSOLIDATE |

On February 9, 2011, Ravenswood City School District, filed a Request for Due Process Hearing in OAH case number 20110202457 (First Case), naming Parents on behalf of Student.

On March 7, 2011, Student filed a Request for Due Process Hearing in OAH case number 2011030484 (Second Case), naming District. Concurrent with the filing of the Second Case, Student filed a Motion to Consolidate the First Case with the Second Case.

On March 8, 2011, District filed a notice on non-opposition to the Motion to Consolidate.

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 First Case and Second Case involve a common question of law and facts, specifically, issues of child find, the appropriateness of assessments and the provision of a

free appropriate public education to Student. In addition, District does not oppose the motion. Finally, consolidation furthers the interests of judicial economy because the facts and circumstances of both cases involve an overlap of documentary evidence, witnesses and factual issues. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011020457 (first case) are vacated. The dates set in OAH Case Number 2011030484 (second case) shall 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 OAH Case Number 2011030484 (second case).

Dated: March 15, 2011

/s/

GLYNDA B. GOMEZ
Administrative Law Judge
Office of Administrative Hearings