

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2011060037

v.

SANTA CRUZ CITY SCHOOL DISTRICT,
SANTA CRUZ COUNTY OFFICE OF
EDUCATION, AND SANTA CRUZ
COUNTY CHILDREN’S MENTAL
HEALTH SERVICES.

SANTA CRUZ CITY SCHOOL DISTRICT,

OAH CASE NO. 2011060387

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING SANTA CRUZ
CITY SCHOOL DISTRICT’S MOTION
TO CONSOLIDATE

On June 1, 2011, Parents on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2011060037 (First Case), naming Santa Cruz City School District (District), Santa Cruz County Office of Education (COE), and Santa Cruz County Children’s Mental Health Services (CMHS).

On June 9, 2011, the District filed a Request for Due Process Hearing in OAH case number 2011060387 (Second Case), naming Student.

On June 9, 2011, the District filed a Motion to Consolidate the First Case with the Second Case. In a declaration supporting the motion, the District’s counsel, Daniel Osher, stated that he had contacted counsel for the other three parties. CMHS and COE do not oppose the motion to consolidate, while Student’s counsel, Valerie Mulkollen, stated that she opposed consolidating the two cases. No opposition to the motion was ever filed with OAH.

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 First Case and Second Case involve a common question of law or fact, specifically, involving the needs of the Student and the actions of the District during school year 2010-2011. In addition, consolidation furthers the interests of judicial economy because many of the same witnesses and exhibits will be the same for both cases. Accordingly, consolidation is granted.

ORDER

1. Santa Cruz City School District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011060387 (Second Case) are vacated. The dates for OAH Case Number 2011060037 (First Case) will remain for the consolidated cases—Mediation on July 6, 2011; Prehearing Conference on July 20, 2011; and the Due Process hearing on July 26, 2011.
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 2011060037 (First Case).

Dated: June 15, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings