

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

VICTOR VALLEY UNION HIGH
SCHOOL DISTRICT, ET AL.

OAH CASE NOS. 2011080031 and
2011080382

ORDER GRANTING MOTION TO
CONSOLIDATE

On July 29, 2011, Parent on behalf of Student, filed with the Office of Administrative Hearings (OAH) a Due Process Request that named the Victor Valley Union High School District (District), the Desert Mountain SELPA and the San Bernardino County Superintendent of Schools. OAH assigned the Student complaint Case Number 2011080031. Currently pending in the Student case is a prehearing conference on October 12, 2011, and a due process hearing on October 25, 2011.

On August 8, 2011, the District, through counsel, filed with OAH a Due Process Complaint that named Student. OAH assigned the District complaint Case Number 2011080382. Currently pending in the District case is a prehearing conference on September 28, 2011, and a due process hearing on October 4, 5 and 6, 2011.

On September 16, 2011, counsel for the District filed with OAH a Motion to Consolidate that seeks to join Case Numbers 2011080031 and 2011080382. Student has not filed a response to this motion.

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 Student and District cases involve common issues and facts, and, therefore share common witnesses and documentary evidence. Consolidation of the cases is granted as furthering the interests of time and expense for all parties, including OAH.

ORDER

1. The Motion to Consolidate of Victor Valley Union High School District to consolidate OAH Case Numbers 2011080031 and 2011080382 is granted.

2. The currently scheduled hearing dates in the District matter, Case Number 2011080382, are hereby vacated.

3. The currently scheduled hearing dates in the Student matter, Case Number 2011080031, shall become the hearing dates for the consolidated cases.

4. The 45-day timeline for issuance of a decision in the consolidated cases shall be based upon the timelines calculated based upon the Student matter, Case Number 2011080031.

Dated: September 23, 2011

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings