

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  DOWNEY UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 201110807
DOWNEY UNIFIED SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2011120084 (Primary)  ORDER GRANTING DISTRICT'S MOTION TO CONSOLIDATE

On November 21, 2011, Student filed a Request for Due Process Hearing in OAH case number 201110807 (First Case), naming the Downey Unified School District (District). On December 2, 2011, District filed a Request for Due Process Hearing in OAH case number 201120084 (Second Case), naming Student. On December 2, 2011, District filed a Motion to Consolidate the First Case with the Second Case. Student filed no opposition.

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, both cases address, among other things, the appropriateness of District's psychoeducational, speech and language, and occupational therapy assessments. In addition, consolidation furthers the interests of judicial economy because both cases will require testimony from the same witnesses, and the submission of similar documentary evidence. Moreover, Student does not oppose the motion. For these reasons, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011110807 [First Case] are vacated.
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 2011120084 [Second Case].

Dated: December 09, 2011

/s/

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CARLA L GARRETT  
Administrative Law Judge  
Office of Administrative Hearings