BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: ROSS VALLEY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2011110600 (first amended primary case)
PARENT ON BEHALF OF STUDENT, v. ROSS VALLEY SCHOOL DISTRICT.	OAH CASE NO. 2011120082 ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On November 11, 2011, Ross Valley School District (District) filed a Request for Due Process Hearing in OAH case number 2011110600 (first case), naming Parent on Behalf of Student (Student). On November 30, 2011, the District amended its complaint (first amended case).

On December 9, 2011, Student filed a Request for Due Process Hearing in OAH case number 2011120082 (second case), naming the District.

On December 9, 2011, the District filed a Motion to Consolidate the first amended case with the second case and to continue the due process hearing date set in OAH case number 2011110600 (first amended case).

Student did not file a response to the motion.

APPLICABLE LAW AND DISCUSSION

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, whether the District's September 28, 2011 offer of special education and related services constitutes a FAPE in the least restrictive environment. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because each case depends on the same relevant law, facts, witnesses, and documentary evidence. Accordingly, consolidation is granted.

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).)

The District's motion to vacate the hearing date in the first amended case demonstrates good cause for continuance, as the parties shall maintain the scheduled dates assigned in the second case.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011110600 (first amended case) are vacated.
3. The District's Motion to Continue is granted. The Mediation in the above-captioned cases shall be held on January 10, 2012, at 9:30 a.m.; the Prehearing Conference in the consolidated cases shall be held on January 18, 2012, at 1:30 p.m. and the Due Process Hearing in the consolidated cases shall be held on January 26, 2012 at 9:30 a.m.
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 2011120082 (second case).

Dated: December 23, 2011

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings