

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2012010070

v.

SANTA ROSA CITY SCHOOLS,

SANTA ROSA CITY SCHOOLS,

OAH CASE NO. 2012010425

v.

ORDER GRANTING MOTION TO
CONSOLIDATE

PARENT ON BEHALF OF STUDENT.

On January 4, 2012, Student filed a Request for Due Process Hearing in OAH case number 2012010070 (Student's Case), naming Santa Rosa City Schools (District).

On January 17, 2012, District filed a Request for Due Process Hearing in OAH case number 2012010425 (District's Case), naming Student.

On January 17, 2012, District filed a Motion to Consolidate the District's Case with the Student's Case. No objection to consolidation has been received.

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 District's Case and Student's Case involve common questions of law or fact. Specifically, the District requests a determination that its occupational therapy (OT) assessment conducted in December 2011, and its autism assessment conducted in December 2011 and updated in January 2012, were appropriate, and Student seeks a determination that

Student was denied a free and appropriate public education (FAPE) because, in part, assessments conducted in the 2011-2012 school year were inappropriate, i.e., completed without her consent, untimely, inadequate and/or improperly presented to the IEP team. Student also seeks independent evaluations in the area of sensory processing (alleged by Student to have been referenced in the District's OT assessment) and autism. In addition, consolidation furthers the interests of judicial economy because testimony and documentary evidence on the scope and appropriateness of District's OT and autism assessments will be required in both cases. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted. All dates in OAH case number 2012010425 are vacated.
2. 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 2012010070 (Student's Case).
3. As set forth in the Order of this date granting District's concurrent Motion for Continuance in OAH case number 2012010070, the Mediation in the consolidated cases shall be held on February 29, 2012, at 9:30 a.m., the Prehearing Conference in the consolidated cases shall be held on March 21, 2012, at 1:30 p.m., and the Due Process Hearing in the consolidated cases shall be held on April 2, 2012 at 1:30 p.m. and April 3 – 5, 2012 at 9:30 a.m.

Dated: January 24, 2012

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings