

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2012060243
v.	
BAKERSFIELD CITY SCHOOL DISTRICT,	
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BAKERSFIELD CITY SCHOOL DISTRICT,	OAH CASE NO. 2012080075
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On June 4, 2012, Student's parent on behalf of Student (Student) filed a request for due process hearing in Office of Administrative Hearings (OAH) case number 2012060243 (First Case), naming Bakersfield City School District (District).

On July 30, 2012, the District filed a request for due process hearing in OAH case number 2012080075 (Second Case), naming Student.

On July 30, 2012, the District filed a Motion to Consolidate the First Case with the Second Case. Student has not filed a response to the 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 First Case and Second Case involve a common question of law or fact, specifically, the appropriateness of the District's assessment(s). Therefore consolidation will further the interests of judicial economy, prevent inconsistent rulings, and prevent the same witnesses from being required to testify in two different hearings.

ORDER

1. The District's Motion to Consolidate is granted.
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 2012060243 (First Case).
3. All dates in OAH Case Number 2012060243 (First Case) will remain on calendar as currently set. Any dates currently set in the Second Case, OAH Case Number 2012080075, are vacated.

Dated: August 3, 2012

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings