

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT , v. COTATI-ROHNERT PARK UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2012110030
COTATI-ROHNERT PARK UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH CASE NO. 2012101148 ORDER GRANTING MOTION TO CONSOLIDATE

On October 29, 2012, the Cotati-Rohnert Park Unified School District (District) filed a Request for Due Process Hearing (Complaint) in the Office of Administrative Hearings (OAH) Case Number 2012101148 (District's Case) against Parents on behalf of the Student (Student).

On October 31, 2012, Student filed a Request for Due Process Hearing in OAH Case Number 2012110030 (Student's Case) against District.

On November 2, 2012, in a Motion to Consolidate, District requested that OAH consolidate its case with the Student's case. Student has not filed a response to District's request to consolidate. As discussed below, the request to consolidate is granted.

APPLICABLE LAW

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].)

DISCUSSION

Among others, District's case raises various issues regarding: 1) lack of parental cooperation in the development of Student's individualized educational program; 2) the appropriate educational placement for Student; and ultimately 3) the provision of a free appropriate public education (FAPE) to Student and parental consent to facilitate the process.

Student's complaint also raises the issue of the appropriate educational placement for Student, with parents requesting placement in the County Office of Education program. Further, Student's complaint discusses environmental concerns regarding Student's placement needs.

Both cases are similar in that each raises the issue of how to meet District obligation to provide FAPE to Student. Further, these two cases involve the same parties, and cover same or similar issues and time periods. The two cases present common questions of law and facts, as they relate to District's obligation to meet Student's unique educational needs. Also, Student has not opposed consolidation.

Therefore, consolidation furthers the interests of judicial economy because the issues raised in both cases involve Student's unique educational needs, and what placement and services are needed to meet those needs. Evaluating and addressing these questions would involve the same evidence and witnesses. Analyzing and resolving the issues would involve the same questions of law and facts. Therefore, consolidating the cases will promote judicial economy. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2012101148 (District's Case) are vacated.
3. The consolidated matters shall proceed based on the timeline established in OAH Case Number 2012110030 (Student's Case).

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 2012110030 (Student's Case).

Dated: November 8, 2012

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings