

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SANTA ROSA CITY SCHOOLS,	OAH CASE NO. 2013040750
SANTA ROSA CITY SCHOOLS, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013041204 ORDER GRANTING MOTION TO CONSOLIDATE AND VACATING DATES IN OAH CASE NO. 2013041204

On April 16, 2013, Student filed a Request for Due Process Hearing (complaint) in OAH case number 2013040750 (First Case), naming Santa Rosa City Schools (District). On April 26, 2013, District filed a complaint in OAH case number 2013041204 (Second Case), naming Parent on behalf of Student.

On May 1, 2013, District filed a Motion to Consolidate the First Case with the Second Case. On May 6, 2013, Parent’s attorney filed a notice of non-opposition to consolidation and requested that the dates in District’s case be vacated.

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

Here, the First Case and Second Case involve a common question of law or fact, specifically, whether psycho-educational and language assessments performed by District during the 2012-2013 school year were appropriate. Student's complaint also alleges that District failed to assess Student in the area of behavior and failed to agree to an independent educational evaluation. Student does not oppose consolidation. Additionally, consolidation furthers the interests of judicial economy because the two cases were filed within a short time of each other and consolidation will not result in a delay of Student's case. Therefore, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013041204 [Second Case] are vacated. The consolidated matter shall proceed on the dates set in OAH Case Number 2013040750 [First Case].
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 2013040750 [First Case].

Dated: May 7, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings