

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. 2015120027 (Primary)
SANTA ROSA CITY SCHOOLS, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015120102 ORDER GRANTING MOTION TO CONSOLIDATE AND SETTING HEARING DATES IN CONSOLIDATED MATTERS

On November 24, 2015, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015120027 (Student’s Case), naming Santa Rosa City Schools (District). On December 2, 2015, District filed a Request for Due Process Hearing in OAH case number 2015120102 (District’s Case), naming Parent on Student’s behalf. On December 4, 2015, District filed a Motion to Consolidate District’s Case with Student’s Case. Student filed a notice of non-opposition on December 7, 2015.

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].)

Student’s Case and District’s Case involve a common question of law or fact, specifically, the appropriateness of an October 2015 assessment related to Student’s behavioral needs. Student does not oppose consolidation. Consolidation furthers the

interests of judicial economy because the common issues will involve some of the same witnesses and evidence. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015120102 [District's Case] are vacated. The consolidated matters shall be set for hearing consistent with the scheduling order in OAH Case Number 2015120027 [Student's 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 2015120027 [Student's Case].

DATE: December 8, 2015

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings