

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. 2016050679
SANTA ROSA CITY SCHOOLS, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016060412 ORDER GRANTING MOTION TO CONSOLIDATE

On May 6, 2016, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016050679 (Student’s Case), naming Santa Rosa City Schools.

On June 3, 2016, Santa Rosa filed a Request for Due Process Hearing in OAH case number 2016060412 (District’s Case), naming Student.

On June 9, 2016, Santa Rosa filed a Motion to Consolidate the two matters. Student has not filed a response.

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

In general, Student alleges that Santa Rosa denied him a free appropriate public education during the 2015-2016 school year by failing to provide him a safe educational environment and failing to offer and provide home and hospital instruction. Santa Rosa contends that its most recent individualized education programs from March and April 2016 offer Student a FAPE in the least restrictive environment. Student's Case and District's Case involve common questions of law and fact. Therefore, consolidation is warranted and will prevent the risk of inconsistent rulings.

In addition, consolidation furthers the interests of judicial economy because both cases involve the same parties, and many of the same witnesses would be required to testify in each proceeding. Each matter will also involve the introduction of the same or similar documents. Accordingly, consolidation is granted.

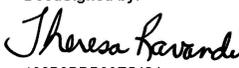
When consolidating cases, OAH designates the statutory timelines applicable to the consolidated matters to be controlled by one of the cases. Here, the statutory timelines shall be controlled by Student's Case.

ORDER

1. Santa Rosa's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2016060412, District's Case, are vacated.
3. The consolidated cases shall now be heard on the dates set for Student's Case, OAH case number 2016050679. Specifically, mediation is calendared for June 22, 2016, at 9:30 a.m., with a prehearing conference on August 12, 2016, at 1:00 p.m., and the hearing shall begin on August 23, 2016, at 9:30 a.m., continuing on August 24 and 25, 2016, at 9:00 a.m., and day to day, Monday through Thursday as needed at the discretion of the Administrative Law Judge.
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 Student's Case, OAH case number 2016050679.

IT IS SO ORDERED.

DATE: June 17, 2016

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THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings