

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matters of: PARENT ON BEHALF OF STUDENT, v. RIPON UNIFIED SCHOOL DISTRICT ,	OAH CASE NO. 2010080006
PARENTS ON BEHALF OF STUDENT , v. RIPON UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2010080302
PARENTS ON BEHALF OF STUDENT , v. RIPON UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2010080523 ORDER DENYING MOTION TO CONSOLIDATE ¹

On July 30, 2010, attorney Tamara L. Loughrey, on behalf of Student #1, filed a Request for Due Process Hearing in OAH case number 2010080006 (First Case) against the Ripon Unified School District (District).

On August 9, 2010, attorney Tamara L. Loughrey, on behalf of Student #2, filed a Request for Due Process Hearing in OAH case number 2010080302 (Second Case) against the Ripon Unified School District (District).

On August 11, 2010, attorney Tamara L. Loughrey, on behalf of Student #3, filed a Request for Due Process Hearing in OAH case number 2010080523 (Third Case) against the Ripon Unified School District (District).

¹ The three cases each involve a different student.

On September 2, 2010, the three students each filed a Motion to Consolidate the three cases, which are set for trial status conferences in late-September 2010 and early-October 2010.

The District did not file a response to the motion.

APPLICABLE LAW and DISCUSSION

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].)

The students request to consolidate all three cases because of the overlapping issue in all cases regarding the District's failure to maintain a master contract with Genesis Behavior Center (Genesis) to provide behavior intervention services, and switching service providers. While, the three cases involve a common question of law or fact regarding the termination of the master contract with Genesis, each case involves separate questions of facts, and possibly witnesses, regarding the behavior intervention services needed by each student, possible needed compensatory education, and the District's conduct in the applicable individualized education program meetings at issue in each case. Accordingly, consolidation is denied.

ORDER

1. Students' Motions to Consolidate are denied.
2. All dates previously set for the trial setting conferences in the three matters shall remain as scheduled.

Dated: September 8, 2010

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings