

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LOOMIS ELEMENTARY SCHOOL DISTRICT, | OAH CASE NO. 2010080999 |
| LOOMIS ELEMENTARY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT. | OAH CASE NO. 2010110490 ORDER GRANTING MOTION TO CONSOLIDATE |

On September 27, 2010, Christian M. Knox, attorney, filed a Request for Due Process Hearing (complaint) on behalf of Student against the Loomis Elementary School District (District). This matter was designated as Office of Administrative Hearings (OAH) Case No. 2010080999 (First Case).

On November 12, 2010, Jessi Carriger, attorney, filed a Request for Due Process Hearing (complaint) on behalf of the District against Student. This matter was designated as OAH Case No. 2010110490 (Second Case).

On November 19, 2010, Student and District filed a Joint Stipulation and Motion to Consolidate the First Case with the Second Case.

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 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].)

Here, the First Case and Second Case involve a common question of law or fact, specifically, Student's complaint raised issues of inadequate assessment and denial of FAPE; District's complaint requests a medical assessment of Student, but both complaints relate to the same period of time and involve the same witnesses. Accordingly, consolidation is granted.

ORDER

1. Student and District's Joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2010110490, the Second Case, are vacated. The matter shall proceed according to the dates in the First Case. The prehearing conference shall take place on December 1, 2010, at 1:30 p.m. and the due process hearing shall take place on December 13 through 16, 2010, beginning at 1:00 p.m.
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 2010080999, the First Case.

Dated: November 30, 2010

/s/

MICHAEL G. BARTH
Administrative Law Judge
Office of Administrative Hearings