

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

STUDENT,

v.

RIVERSIDE UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2010110219

---

RIVERSIDE UNIFIED SCHOOL DISTRICT,

v.

STUDENT.

OAH CASE NO. 2010090233

ORDER GRANTING MOTION TO  
CONSOLIDATE

On August 31, 2010, Riverside Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2010090233 (First Case), naming Student. The due process hearing (DPH) in the First Case is scheduled for November 15 through 17, 2010, with a prehearing conference (PHC) set for 10:00 a.m., November 8, 2010.

On November 2, 2010, Student filed a Request for Due Process Hearing in OAH case number 2010110219 (Second Case), naming District. Student concurrently filed a Motion to Consolidate the First Case with the Second Case. The DPH in the Second Case is scheduled for January 6, 2011, with a PHC set for 1:30 p.m., January 3, 2011.

On November 3, 2010, District filed a notice that it does not oppose 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].)

Here, in the First Case, the District seeks a determination that its July 1, 2010, IEP provides Student with a free appropriate public education [FAPE] and that District's associated psycho-educational, occupational therapy and speech and language evaluations were appropriate, thus not requiring it to fund independent evaluations requested by Student.

In the Second Case, Student questions the FAPE sufficiency of the IEPs dating from November 14, 2008 through October 29, 2010, as well as asserting that the District's evaluations [including the three referred to in District's First Case] were inappropriate.

Student and District agree that the issues of the First Case are included in the Second Case and that both cases will require testimony from the same witnesses and consideration of the same documentary evidence. The two cases therefore involve common questions of law and fact, between the same parties. Consolidation would further the interests of judicial economy for the parties and OAH, assuring consistent rulings.

#### ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2010090233 [First Case] are vacated.
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 2010110219 [Second Case], which shall be the primary case in these consolidated matters.
4. These consolidated matters are scheduled for a PHC at 1:30 p.m., January 3, 2011 and a DPH on January 6, 2011.

Dated: November 04, 2010

/s/

---

CLIFFORD H WOOSLEY  
Administrative Law Judge  
Office of Administrative Hearings