

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2010121003

v.

BELLFLOWER UNIFIED SCHOOL
DISTRICT,

BELLFLOWER UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2010120839

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On December 23, 2010, the Bellflower Unified School District (District) filed a Request for Due Process Hearing against Student, which was designated as the Office of Administrative Hearings (OAH) Case Number 2010120839 (District's Case).

On December 29, 2010, Student filed a Request for Due Process Hearing (Student's Case) against District. This case was designated as OAH Case Number 2010121003.

Together with his request, Student filed a Motion to consolidate Student's Case with District's Case. 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 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); Code of Civ. Proc., § 1048, subd. (a).) The California Code of Civil Procedure section 1048, subdivision (a), applies the same standard to the consolidation of civil cases.

In its case, District raises various issues regarding its responsibilities to provide educational services to Student, and Parents' interference or lack of cooperation with its attempts to discharge such responsibilities. Specifically, District raises the issue of whether its October 20, 2010 individualized educational program (IEP) offer of placement and services is an offer of a free appropriate public education (FAPE) to Student.

In the Student's Case, Student alleges a procedural denial of a FAPE, during the July 23, 2009, September 30, 2009, October 15, 2009, May 26, 2010, June 3, 2010, August 17, 2010 and October 20, 2010 IEP team meetings due to various alleged violations. Substantively, Student also alleges that District placement offer and certain goals were inappropriate, and that certain services were either not offered or inadequate to address his needs. As such, Student alleges that District has denied him a FAPE.

The two cases involve the same parties, common questions of law, and the same or similar underlying facts. The issues raised in both cases involve Student's unique educational needs; whether District offered required assessments or provided required services to Student during the past two school years; and whether District, ultimately, provided or denied Student a FAPE. Evaluating and resolving these issues would most likely involve the same evidence and witnesses, and the analysis and resolution of the same questions of law, and consolidating the cases will promote judicial economy. Further, District does not oppose Student's motion to consolidate. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted, and the above-titled cases are consolidated.
2. All dates previously set in OAH Case No. 2010120839 (District's 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 2010121003 (Student's Case).

Dated: January 4, 2011

/s/

ADENIYI AYOADE

Administrative Law Judge

Office of Administrative Hearings