

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ROSEVILLE CITY ELEMENTARY
SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2011020725

ORDER DENYING MOTION TO
CONSOLIDATE

On December 23, 2010, Student filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2010120844 (First Case) against the Roseville Elementary School District (District). On February 22, 2011, the District filed a Request for Due Process Hearing in OAH case number 2011020725 (Second Case) against Student.

On February 22, 2011, The District filed a Motion to Consolidate the First Case with the Second Case. At the February 23, 2011 PHC in the First Case, Student made oral argument in opposition to the District's consolidation request, and the District responded to Student's opposition.

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].)

While, the First Case and Second Case involve a common question of law and fact regarding Student's need for door-to-door transportation, the District's complaint concerns an individualized educational program (IEP) of January 27, 2011, that is not at issue in Student's complaint. Additionally, the District's complaint contains a request to conduct a behavioral and speech and language assessment over Parents' objection, and Student's complaint involves whether the District offered Student appropriate services. There is no danger of inconsistent rulings as both parties will have a full opportunity to present evidence regarding the adequacy of the District's offer at the January 27, 2011 IEP meeting, and the

District's request to assess Student over Parents' objection. Finally, the District did not offer an adequate explanation why it did not file its complaint sooner after the January 27, 2011 IEP meeting. Therefore, the District's Motion to Consolidate is denied as the District's issues as to its January 27, 2011 IEP offer and assessment request does not sufficiently further judicial economy or prevent inconsistent rulings to warrant consolidation.

ORDER

The District's Motion to Consolidate is denied.

Dated: February 23, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings