

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2011020836

v.

SAN MATEO-FOSTER CITY SCHOOL
DISTRICT,

SAN MATEO-FOSTER CITY SCHOOL
DISTRICT,

OAH CASE NO. 2011031104

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING DISTRICT'S
MOTION TO CONSOLIDATE

On February 22, 2011, Student filed a Request for Due Process Hearing in OAH case number 2011020836 (First Case), naming the San Mateo-Foster City School District (District) as respondent. On March 21, 2011, District filed a Request for Due Process Hearing in OAH case number 2011031104 (Second Case), naming Student as respondent. On March 21, 2011, District filed a Motion to Consolidate the First Case with the Second Case and to proceed to due process hearing on the date currently scheduled for the First Case. Student filed no 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].)

Here, the First Case and Second Case involve a common question of law or fact, specifically, both seek a ruling determining whether Student's October 18, 2010 IEP offered Student a FAPE. In addition, consolidation furthers the interests of judicial economy

because both cases involve the same parties, documents, and the same background. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. Pursuant to District's request, the consolidated cases shall be heard on the date currently scheduled in the First Case (OAH Case Number 2011020836). All dates scheduled for the First Case are confirmed.
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 the First Case (OAH Case Number 2011020836).

Dated: March 29, 2011

/s/

CARLA L. GARRETT
Administrative Law Judge
Office of Administrative Hearings