

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2011040094
SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2010120052 ORDER GRANTING MOTION TO CONSOLIDATE

On November 29, 2010, San Luis Coastal Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2010120052 (First Case), naming Student. OAH granted continuances on December 10, 2010, and February 16, 2010.

On April 1, 2011, Student filed a Request for Due Process Hearing in OAH case number 2011040094 (Second Case), naming District. On April 4, 2011, Student filed a Motion to Consolidate the First Case with the Second Case. District did not file a response to the motion to consolidate the cases.

APPLICABLE LAW

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].)

DISCUSSION

Here, the First Case and Second Case involve a common question of law or fact. Specifically, both cases raise the question of whether District's offer of placement and services in its individual educational program dated November 15, 2010 provided Student with a free appropriate public education (FAPE). Consolidation furthers the interests of judicial economy because both cases involve claims regarding what constitutes a FAPE for Student and involve the same time period, and therefore, will likely involve the same witnesses and evidence. Consolidation will obviate potentially inconsistent rulings. Finally, District has not opposed Student's motion. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2010120052 (First Case) are vacated.
3. The dates set for mediation, prehearing conference, and due process hearing in OAH Case Number 2011040094 (Second Case), are confirmed as the dates set for the consolidated cases.
4. 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 2011040094 (Second Case).

Dated: April 7, 2011

/s/

TROY K. TAIRA
Administrative Law Judge
Office of Administrative Hearings