

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2011050466

v.

SANGER UNIFIED SCHOOL DISTRICT,

SANGER UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2011060235

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On May 11, 2011, Student filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2011050466 (First Case), naming the Sanger Unified School District (District).

On June 3, 2011, the District filed a Request for Due Process Hearing in OAH case number 2011060235 (Second Case), naming Student.

On June 3, 2011, the District filed a Motion to Consolidate the First Case with the Second Case. On June 9, 2011, Student filed a non-opposition to the District's motion.

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, the First Case and Second Case involve a common question of law or fact, specifically the adequacy of the District's assessments and whether Student should be exited from special education services, and Student does not oppose the motion. In addition,

consolidation furthers the interests of judicial economy because of the commonality of factual and legal issues and witnesses in the two matters. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011060235 [Second Case] are vacated. All dates previously set in OAH Case Number 2011050466 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 OAH Case Number 2011050466 [First Case].

Dated: June 10, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings