

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2011050741

v.

VALLEJO CITY UNIFIED SCHOOL
DISTRICT,

VALLEJO CITY UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2011040863

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On April 22, 2011, Vallejo City Unified School District (District) filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2011040863 (First Case), naming Student. On May 17, 2011, Student filed a Request for Due Process Hearing in OAH case number 2011050741 (Second Case), naming District.

On June 2, 2011, Student filed a Motion to Consolidate the First Case with the Second Case. District does not object to the 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, both cases seek a determination whether District provided Student with a free appropriate public education during overlapping time frames and whether District's assessment was appropriate. District does not oppose the motion. In addition, consolidation

further the interests of judicial economy because both cases will involve the testimony of the same witnesses and the same documentary evidence. The issues in both cases can be resolved in a single proceeding. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. On June 3, 2011, OAH granted the parties' joint request to continue both cases and set new dates. The currently scheduled dates for both cases are: Mediation on June 9, 2011; telephonic prehearing conference on July 6, 2011, at 1:30 p.m.; and due process hearing on July 26-28, 2011, and August 2-4, 2011. Those dates shall remain in effect, unless otherwise ordered.
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 2011050741 (Second Case). The timeline is tolled from the date of the June 3, 2011 continuance order.

Dated: June 7, 2011

/s/

TROY K. TAIRA
Administrative Law Judge
Office of Administrative Hearings