

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2011070060
v.	
ACALANES UNION HIGH SCHOOL DISTRICT,	
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ACALANES UNION HIGH SCHOOL DISTRICT,	OAH CASE NO. 2011061027
v.	ORDER GRANTING MOTION TO CONSOLIDATE [AMENDED]
PARENT ON BEHALF OF STUDENT.	

On June 22, 2011, Acalanes Union High School District (District) filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2011061027 (First Case), against Student.

On June 28, 2011, Student filed a Request for Due Process Hearing in OAH case number 2011070060 (Second Case), against the District.

On June 28, 2011, Student filed a Motion to Consolidate the First Case with the Second Case. The 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 the adequacy of the District's June 13, 2011 offer of placement and whether Student should be placed in a residential facility, and the District 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. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011061027 [First Case] are vacated. All dates the in the July 5, 2011 scheduling order in OAH Case Number 2011070060 [Second 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 OAH Case Number 2011070060 [Second Case].

Dated: July 5, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings