

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2011070180

v.

ROWLAND UNIFIED SCHOOL DISTRICT,

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ROWLAND UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2011061022

v.

ORDER GRANTING MOTION TO  
CONSOLIDATE

PARENT ON BEHALF OF STUDENT.

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On June 22, 2011, Rowland Unified School District (District) filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2011061022 (First Case) against Student.

On July, 1, 2011, Student filed a Request for Due Process Hearing in OAH case number 2011070180 (Second Case) against the District.

On July 1, 2011, Student filed a Motion to Consolidate the First Case with the Second Case. On July 5, 2011, the District filed a response that did not oppose the consolidation request.

*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 the offer of placement the District

proposed based on its assessments, 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 2011061022 (First Case), except the July 14, 2011 mediation, are vacated. All dates previously set in OAH Case Number 2011070180 (Second Case) are confirmed, except that the August 4, 2011 mediation date is vacated.
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 2011070180 (Second Case).

Dated: July 8, 2011

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings