

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. ROCKLIN UNIFIED SCHOOL DISTRICT, | OAH CASE NO. 2011070634 |
| ROCKLIN UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT. | OAH CASE NO. 20110911029 ORDER GRANTING MOTION TO CONSOLIDATE |

On July 19, 2011, Christian M. Knox, Attorney for Student, filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) Case Number 2011070634 (First Case), naming the Rocklin Unified School District (District)

On August 27, 2011, Jessi Carriger, Attorney for District, filed a Request for Due Process Hearing in OAH Case Number 2011011029 (Second Case), naming Student.

On September 27, the parties filed a Stipulation to Consolidate the First Case with the Second Case and set the prehearing conference and due process hearing dates for the consolidated matters as previously set in Case Number 2011070634, First Case.

APPLICABLE LAW AND DISCUSSION

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, whether District provided Student with a free appropriate public education

(FAPE) in the 2010-2011 and 2011-2012 school years. The parties stipulate to the motion and consolidation furthers the interests of judicial economy because the same witnesses and evidence will be used in both cases. Accordingly, consolidation is granted.

ORDER

1. Parties joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011011029, Second Case, are vacated.
3. This matter shall proceed on the dates set in Case Number 2011070634, First Case, which are as follows: prehearing conference on October 3, 2011, at 1:30 p.m.; and, due process hearing on October 11 through 13, 2011.
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 2011070634, First Case.

Dated: September 29, 2011

/s/

MICHAEL G. BARTH
Administrative Law Judge
Office of Administrative Hearings