

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  PITTSBURG UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2011100230 (AMENDED FIRST CASE)
PITTSBURG UNIFIED SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012010726 (SECOND CASE)  ORDER GRANTING MOTION TO CONSOLIDATE

On October 7, 2011, Parent on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2011100230 (First Case), naming Pittsburg Unified School District (District). On January 30, 2012, OAH granted Student’s request to file an amended complaint (Amended First Case).

On January 26, 2012, the District filed a Request for Due Process Hearing in OAH case number 2012010726 (Second Case), naming Student.

On January 26, 2012, the District filed a Motion to Consolidate the Amended First Case with the Second Case. Student did not file a response to the motion.

**APPLICABLE LAW**

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].)

## DISCUSSION

Here, the First Case and Second Case involve a common question of law or fact, specifically, whether the District is required to provide Student with an Independent Educational Evaluation (IEE). Student has not filed an opposition to the motion. In addition, consolidation furthers the interests of judicial economy because the issue involves the same parties, same witnesses, and the common issue of law. Accordingly, consolidation is granted.

## ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2012010726 (Second Case) are 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 2011100230 (Amended First Case), with January 30, 2012, deemed the first continuance.

Dated: February 1, 2012

/s/

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JUDITH PASEWARK  
Administrative Law Judge  
Office of Administrative Hearings