

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  BALDWIN PARK UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2011100998
BALDWIN PARK UNIFIED SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2011100472  ORDER GRANTING MOTION TO CONSOLIDATE AND VACATING DATES

On October 13, 2011, Baldwin Park Unified School District (District) filed a Request for Due Process Hearing in OAH case number 201100472 (First Case), naming Parent on behalf of Student.(Student) On October 28, 2011, Student filed a Request for Due Process Hearing in OAH case number 2011100998 (Second Case), naming District. On October 28, 2011, Student filed a Motion to Consolidate the First Case with the Second Case. District does not oppose the 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 and fact, concerning the provision of a free appropriate public education (FAPE) to Student and the consolidation is not opposed by District. In addition, consolidation furthers the interests of judicial economy because the two cases involve overlapping witnesses and documentary testimony. Accordingly, consolidation is granted.

## ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in First Case, OAH Case Number 2011100472 and Second Case, OAH Case Number 2011100998 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 the Second Case, OAH Case Number 2011100998.
4. OAH shall issue a new scheduling order in the consolidated cases.

Dated: October 28, 2011

/s/

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GLYNDA B. GOMEZ  
Administrative Law Judge  
Office of Administrative Hearings