

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2011111030
v.	
BONSALL UNION SCHOOL DISTRICT,	
<hr/>	
BONSALL UNION SCHOOL DISTRICT,	OAH CASE NO. 2011100419
v.	ORDER GRANTING MOTION TO CONSOLIDATE
PARENT ON BEHALF OF STUDENT.	

On October 12, 2011, the Bonsall Union School District (District) filed a Request for Due Process Hearing (complaint) against Student, in Office of Administrative Hearings (OAH) case number 2011100419 (First Case). On October 26, 2011, OAH set for the First Case the prehearing conference (PHC) for December 5, 2011, and the due process hearing (hearing) for December 13 and 14, 2011.

On November 28, 2011, Student filed a complaint against the District, in OAH case number 2011111030 (Second Case). On November 30, 2011, OAH set the PHC for January 18, 2012, and the hearing for January 25, 2012 for the Second Case.

On November 28, 2011, Student filed a Motion to Consolidate the First Case with the Second Case. On November 28, 2011, the District filed its non-opposition to the 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].)

The First Case and Second Case involve a common question of law and fact regarding whether the District appropriately assessed Student in its speech and language and occupational therapy assessments. Other issues in Student's complaint regarding whether the District provided Student with a free appropriate public education involve similar evidence and witnesses. Without consolidation, there would be a danger of inconsistent rulings. Therefore, Student's Motion to Consolidate is granted as consolidation furthers judicial economy prevents inconsistent rulings.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011100419 (First Case) are vacated. The consolidated cases shall proceed on the dates scheduled in OAH Case Number 2011111030 (Second Case) which are: Mediation on January 3, 2012, at 9:30 a.m., a telephonic PHC on January 18, 2012, at 10:00 a.m., and a due process hearing on January 25, 2012, at 9:30 a.m.
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 2011111030 (Second Case).

Dated: December 2, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings