

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2012050476

v.

STOCKTON UNIFIED SCHOOL DISTRICT.

STOCKTON UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2012070167

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On May 9, 2012, Parent and Student (collectively, Student), filed a Request for Due Process Hearing in OAH case number 2012050476 (First Case), naming Stockton Unified School District (District). On June 21, 2012, Student filed his amended Request for Due Process Hearing (Amended Complaint), again naming District.

On July 6, 2012, District filed a Request for Due Process Hearing in OAH case number 2012070167 (Second Case), naming Student.

On July 6, 2012, District filed a Motion to Consolidate the First Case with the Second Case (Motion). Student did not file a response to the Motion.

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 and 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 the same parties, and a common question of law and fact, specifically, whether Student's placement at Weber Institute of Applied Sciences and Technology was, and is, an appropriate placement at which Student could

receive a free appropriate public education (FAPE). In addition, consolidation furthers the interests of judicial economy because the two cases involve overlapping witnesses and documentary evidence. Further, consolidation will avoid the possibility of inconsistent rulings. Student does not oppose the Motion. For all of these reasons, the Motion is granted.

ORDER

1. District's Motion to Consolidate is GRANTED.
2. All dates previously set in OAH Case Number 2012070167 (Second Case) are vacated. All prehearing conference and due process hearing dates in OAH Case Number 2012050476 (First Case) remain as scheduled.
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 Amended Complaint in OAH Case Number 2012050476 (First Case).

Dated: July 20, 2012

/s/

ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings