

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SANTA ROSA CITY SCHOOLS,

OAH CASE NO. 2014040994

v.

PARENT ON BEHALF OF STUDENT.

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2014030127 (Primary)

v.

SANTA ROSA CITY SCHOOLS.

ORDER GRANTING MOTION TO
CONSOLIDATE

On March 5, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014030127 (Student's Case), naming Santa Rosa City Schools (District). On April 10, 2014, based upon discussions with the parties, an Order issued continuing the dates in Student's case as follows: Mediation, May 14, 2014, at 9:30 a.m., Prehearing Conference, August 25, 2014, at 3:00 p.m., and Due Process Hearing September 9, 10, and 11, 2014.

On April 21, 2014, District filed a Request for Due Process Hearing in OAH case number 2014040994 naming Student (District's Case), and a Motion to Consolidate Student's Case with District's Case. By its nature, District's request for consolidation of its case with Student's case is also a request for a continuance. District represented that Student did not oppose consolidation of the two matters and Student did not file an opposition.

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].)

Student's Case and District's Case involve common questions of law or fact, although the issues presented in Student's Case are broader than the single issue alleged in District's Case. Student's case involves issues of whether District denied Student a free appropriate

public education by failing to provide Student an appropriate transition plan, a safe and appropriate learning environment and educational setting, failing to timely hold an individualized education program team meeting, and refusing to allow Parent to participate as Student's advocate after Student's 18th birthday. The issue in District's Case is whether District may complete a triennial assessment as set forth in an assessment plan dated March 19, 2014, without consent. Given that District has requested consolidation, and there will be substantial overlap of witnesses and other evidence, good cause is shown, and judicial economy will be served, to consolidate the Student's Case and District's Case. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014040994 (District's Case) are vacated and continued as set forth below.
3. All dates set in OAH Case Number 2014030127 (Student's Case) shall apply to the consolidated cases, and it is designated as the primary case. At present those dates are: Mediation May 14, 2014; Prehearing Conference August 25, 2014; and Due Process Hearing September 9, 10 and 11, 2014, and continuing day to day at the discretion of the ALJ.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the filing date of the complaint in OAH Case Number 2014030127 (Student's Case).

DATE: April 28, 2014

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings