

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH Case No. 2014120610

v.

SAN RAMON VALLEY UNIFIED  
SCHOOL DISTRICT AND SELPA.

PARENTS ON BEHALF OF STUDENT,

OAH Case No. 2014110093

v.

SAN RAMON VALLEY UNIFIED  
SCHOOL DISTRICT AND SELPA.

ORDER GRANTING MOTION TO  
CONSOLIDATE

On October 27, 2014, Student filed a Request for Due Process Hearing (complaint) in OAH Case Number 2014110093 (First Case), naming San Ramon Valley Unified School District (San Ramon), its Special Education Local Plan Area, and Wings Learning Center (Wings). On November 12, 2014, OAH dismissed Wings as a party to the First Case.

On December 5, 2014, Student filed a second complaint in OAH Case Number 2014120610 (Second Case) naming San Ramon and its SELPA.

Concurrently with the second complaint filed on December 5, 2014, Student filed a Motion to Consolidate the First Case with the Second Case. San Ramon and SELPA, though their attorney, have indicated that they are not opposing Student's motion to consolidate the cases.

APPLICABLE LAW AND DISCUSSION

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 cases that involve: 1) a common question of law and/or fact; 2) the same parties; and 3) when consolidation of the matters will further 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 First Case alleges various denials of a free appropriate public education to Student. including several sub-issues, that occurred from: 1) October 26, 2012 through June 30, 2014; and 2) July 1, 2014 through October 24, 2014.

In the Second Case, Student raised one issue regarding a denial of FAPE with 14 sub-issues from October 30, 2014 through December 4, 2014.

The two cases present similar issues for resolution covering consecutive time periods. The cases involve the same parties. Both cases present common questions of law and fact, and resolving the cases would involve the same or similar evidence and witnesses. Consolidating the cases will promote judicial economy and prevent inconsistent rulings. Accordingly, consolidating the two cases is appropriate.

#### ORDER

1. Student's motion to consolidate is granted.
2. All dates previously set in OAH Case Number 2014110093 (First Case) are vacated.
3. The timeline for issuing a decision in the consolidated cases shall be based on the date of the filing of OAH Case Number 2014120610 (Second Case).
4. The prehearing conference and the due process hearing dates in the consolidated matters shall be based on the dates currently set in OAH Case Number 2014120610, as contained in OAH's order dated December 17, 2014. These dates are confirmed.

DATE: December 19, 2014

/s/

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ADENIYI AYOADE  
Administrative Law Judge  
Office of Administrative Hearings