

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2011030674

v.

PASO ROBLES JOINT UNIFIED SCHOOL
DISTRICT AND SAN LUIS OBISPO
COUNTY OFFICE OF EDUCATION,

PASO ROBLES JOINT UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2011020890

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE AND VACATING
DATES IN DISTRICT'S CASE

On February 24, 2011, Marsha A. Bedwell, attorney for the Paso Robles Joint Unified School District (District), filed a Request for Due Process Hearing against Student. The Office of Administrative Hearings (OAH) designated the matter as OAH Case No. 2011020890 (District's Case). On March 14, 2011, Andrea Marcus, attorney for Student, filed a Request for Due Process Hearing against District and the San Luis Obispo County Office of Education (County). OAH designated Student's matter as OAH Case No. 2011030674 (Student's Case).

On March 14, 2011, Student moved to consolidate Student's Case with District's Case. On March 14, 2011, District filed a statement of non-opposition, agreeing to Student's request to consolidate the matters. OAH did not receive a response from County.

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 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, District's Case raises the sole issue of whether it appropriately assessed Student in September 2010 and, therefore, whether Student is entitled on an independent education evaluation. Student's Case raises multiple issues from March 2009 through the present concerning whether District has appropriately assessed Student; whether his individualized education programs (IEPs) were calculated to provide him a free appropriate public education (FAPE); whether Student has received a FAPE; whether District violated Student's procedural rights in how it developed the IEPs; and, whether Student was denied a FAPE when his school day was shortened.

Consolidation of these matters furthers the interests of judicial economy because the issues raised by the parties overlap and because consolidation will prevent possible inconsistent rulings were the matters heard separately. Accordingly, Student's request to consolidate is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case, OAH Case No. 2011030674 shall be the lead case in these consolidated matters. The dates in Student's case, mediation on April 19, prehearing conference on April 27, and due process hearing on May 5, 2011, shall be the dates for the consolidated cases.
3. All dates previously set in District's Case, OAH Case No. 2011020890 are vacated.
4. 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 Student's Case, OAH Case No. 2011030674.

Dated: March 18, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings