

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2011120919

v.

SANTA ROSA CITY SCHOOLS,

SANTA ROSA CITY SCHOOLS,

OAH CASE NO. 2012020963

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On December 28, 2011, Student filed a Request for Due Process Hearing (complaint) against the Santa Rosa City Schools (District) and Mark West Union School District,¹ in Office of Administrative Hearings (OAH) case number 2011120919 (First Case). On January 26, 2012, OAH granted the parties' continuance motion and set for the First Case, the prehearing conference (PHC) for March 21, 2012, at 10:00 a.m., and the due process hearing (hearing) for March 26 – 29, 2012.

On February 27, 2012, the District filed a complaint against Student, in OAH case number 2012020963 (Second Case). On February 28, 2012, OAH set for the Second Case, mediation for March 13, 2012, PHC for March 21, 2012, at 1:30 p.m., and the hearing for March 28, 2012.

On February 27, 2012, the District filed a Motion to Consolidate the First Case with the Second Case. Student did not submit a response.

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

¹ Student dismissed Mark West Union School District as a party on January 23, 2012.

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 offered Student a free appropriate public education during the 2011-2012 school year and involve similar evidence and witnesses. Without consolidation, there would be a danger of inconsistent rulings. Therefore, the District's Motion to Consolidate is granted as consolidation furthers judicial economy prevents inconsistent rulings.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case number 2012020963 (Second Case) are vacated. The consolidated cases shall proceed on the dates scheduled in OAH Case number 2011120919 (First Case) which are: PHC for March 21, 2012, at 10:00 a.m., and the hearing for March 26, 2012, at 1:30 p.m., and March 27 – 29, 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 2011120919 (First Case).

Dated: March 5, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings