

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SANTA CLARA UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2012060055
SANTA CLARA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012050564 ORDER GRANTING MOTION TO CONSOLIDATE

On May 14, 2012, the Santa Clara Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2012050564 (First Case), naming Parents on behalf of Student (Student) as respondent.

On May 31, 2012, Student filed a Request for Due Process Hearing in OAH case number 2012060055 (Second Case), naming the District as respondent.

On May 31, 2012, Student filed a Motion to Consolidate the First Case with the Second Case.

On May 31, 2012, the District filed a pleading stating that its does not object 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; 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, the First Case and Second Case involve a common question of law or fact, specifically, the District's assessment of Spring 2012, and the District's offer of a free appropriate public education in the Spring of 2012. The District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases involve the same witnesses and documents. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2012050564 are vacated.
3. The Scheduling Order in OAH Case Number 2012060055 will apply to the consolidated case. These dates are:
 - A. Mediation: July 3, 2012 at 9:30 AM
 - B. Prehearing Conference: July 18, 2012 at 1:30 PM
 - C. Due Process Hearing: July 26, 2012
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 OAH Case Number 2012060055.

Dated: June 05, 2012

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings