

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2013101061

v.

AMADOR COUNTY UNIFIED SCHOOL
DISTRICT AND AMADOR COUNTY
OFFICE OF EDUCATION,

AMADOR COUNTY UNIFIED SCHOOL
DISTRICT AND AMADOR COUNTY
OFFICE OF EDUCATION,

OAH CASE NO. 2013120492

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On October 28, 2013, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings (OAH) in OAH Case Number 2013101061 (First Case), naming Amador Unified School District (District) and Amador County Office of Education (County).

On December 13, 2013, the District and County filed a Request for Due Process Hearing in OAH Case Number 2013120492 (Second Case), naming Student.

On December 13, 2013, the District and County filed a Motion to Consolidate the First Case with the Second Case and to continue the due process hearing date set in OAH Case Number 2013120492 (First case). Student 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 adequacy of the District's and County's education offer and Student's future educational services and placement. The parties all join in the consolidation request. In addition, consolidation furthers the interests of judicial economy because of the commonality of legal and factual issues, plus documentary evidence and witnesses. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013101061 (First Case) are vacated. The matter shall proceed on the presently set dates in OAH Case Number 2013120492 (Second Case).
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 2013120492 (Second Case).

Dated: December 17, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings