

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

STUDENT,

OAH CASE NO. 2012120710

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT; SACRAMENTO COUNTY
OFFICE OF EDUCATION;
SACRAMENTO COUNTY SPECIAL
EDUCATION LOCAL PLAN AREA.

SACRAMENTO COUNTY OFFICE OF
EDUCATION,

OAH CASE NO. 2013030187

v.

ORDER GRANTING MOTION TO
CONSOLIDATE

STUDENT, SACRAMENTO CITY
UNIFIED SCHOOL DISTRICT, AND
CALIFORNIA DEPARTMENT OF
EDUCATION.

On December 17, 2012, Student filed a Request for Due Process Hearing in OAH Case Number 2012120710 (First Case), naming the Sacramento City Unified School District (SCUSD), the Sacramento County Office of Education (SCOE), and the California Department of Education (CDE). On January 23, 2013, OAH dismissed CDE as a party, and on March 11, 2013, OAH added the Sacramento County Special Education Local Plan Area (SELPA) as a party

On March 4, 2013, SCOE filed a Request for Due Process Hearing in OAH Case Number 2013030187 (Second Case), naming Student, SCUSD, and CDE as parties. On that same date, SCOE filed a Motion to Consolidate the First Case with the Second Case.

No other party in either matter filed a response to the Motion to Consolidate.

APPLICABLE LAW

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].)

DISCUSSION

Here, the First Case and Second Case involve a common question of law or fact, specifically, the determination of which agency is responsible for providing Student a free appropriate public education. In addition, consolidation furthers the interests of judicial economy because the evidence and witnesses to be present will overlap almost entirely. No party opposes the motion. Accordingly, consolidation is granted.

ORDER

1. SCOE's Motion to Consolidate is granted. Student's case, OAH Case No. 2012120710 shall be the lead case for purposes of the 45-day time line to render a written decision.
2. All dates previously set in OAH Case No. 2012120710 (before the Prehearing Conference of March 11, 2013) are vacated. In addition, the mediation date previously set in OAH Case No. 2013030187 is vacated.
3. At the March 11, 2013 Prehearing Conference in OAH Case No. 2012120710, the parties agreed to set the dates in the consolidated matters. The Mediation in the consolidated matters shall be held on March 20, 2013, at 9:30 a.m.; the Prehearing Conference in the consolidated cases shall be held on March 27, 2013, at 10:00 a.m.; and the Due Process Hearing in the consolidated cases shall be held on April 2, 2013, at 1:30 p.m., to continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall begin on March 11, 2013, the date of the addition of the Sacramento County Special Education Local Plan Area as a party to the complaint in OAH Case Number 2012120710.

Dated: March 11, 2013

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings