

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2014070838
v.	
ROCKLIN UNIFIED SCHOOL DISTRICT,	
ROCKLIN UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2014060323
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE AND SETTING MEDIATION, PREHEARING CONFERENCE, AND DUE PROCESS HEARING DATES

On June 4, 2014, Rocklin Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2014060323 (First Case), naming Student.

On July 14, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014070838 (Second Case), naming District.

Also on July 14, 2014, Student filed a Motion to Consolidate the First Case with the Second Case, but did not request a continuance of the due process hearing date set in the First Case.

On July 17, 2014, District filed a notice of non-opposition and requested that the due process hearing date set in the First Case on August 26, 2014, which was proposed by District as part of a notice of non-opposition to Student's request for a continuance in the First Case, be confirmed as the due process hearing date for the consolidated cases.

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, the First Case and Second Case involve a common question of law or fact, specifically, whether the assessments District conducted in April 2014 were appropriate and whether District's recommendation that Student be exited from special education based on the April 2014 assessments is appropriate. District does not oppose Student's motion. In addition, consolidation furthers the interests of judicial economy because the same witnesses, specifically the assessors and members of the IEP team who reviewed the assessments, and the same documents, specifically the assessment reports and other data regarding Student's need for special education and related services, would be presented at the due process hearings for each case. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in the First Case, OAH case number 2014060323, are confirmed.
3. The mediation date set in the Second Case, OAH case number 2014070838, is confirmed.
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 the First Case, OAH case number 201406032.

DATE: July 22, 2014

/s/

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings