

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

TUSTIN UNIFIED SCHOOL DISTRICT.

OAH CASE NOS. 2011100264 and  
2011110873

ORDER GRANTING MOTION TO  
CONSOLIDATE

On October 5, 2011, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a due process complaint (Student Action) that named the Tustin Unified School District (District). OAH assigned the Student Action case number 2011100264. Currently scheduled in the Student Action are a prehearing conference on February 6, 2012, and a due process hearing on February 14, 15, 16, 22 and 23, 2012.

On November 28, 2011, the District, through counsel, filed with OAH a due process complaint (District Action) that named Student. OAH assigned the District Action case number 2011110837. Currently scheduled in the District Action are a mediation on December 8, 2011, a prehearing conference on December 12, 2011, and a due process hearing on December 20, 2011.

On December 6, 2011, the parties filed with OAH a stipulation to consolidate the Student Action and the District Action, along with a request for a mediation date and hearing dates.

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 Student and District Actions involve common questions of law and fact, and the parties have agreed to a joinder of the cases. Accordingly, consolidation is granted.

ORDER

1. The stipulation to consolidate the Student Action and the District Action is granted.

2. All dates previously set in the District Action, OAH case number 2011110837, are vacated.
3. The request for mediation and hearing dates for the consolidated matters is granted. A mediation is hereby scheduled for January 11, 2012, starting at 9:30 a.m., at the District offices. A prehearing conference is hereby set for February 6, 2012, at 1:30 p.m. The due process hearing in the cases is hereby set for February 14, 15, 16, 22 and 23, 2012. OAH shall issue a separate scheduling order with these dates.
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 Student Action, OAH case number 2011100264.

Dated: December 06, 2011

/s/

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TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings