

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2011110753

v.

REDLANDS UNIFIED SCHOOL DISTRICT
AND EAST VALLEY SPECIAL
EDUCATION SPECIAL EDUCATION
LOCAL PLANNING AREA,

REDLANDS UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2012010898

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On November 21, 2011, Student filed a Request for Due Process Hearing (complaint) against the Redlands Unified School District (District) and East Valley Special Education Local Planning Area (SELPA), in Office of Administrative Hearings (OAH) case number 2011110753 (First Case). On December 16, 2011, OAH granted the parties' continuance motion and set for the First Case, mediation on February 8, 2012, the prehearing conference (PHC) for February 22, 2012, at 10:00 a.m., and the due process hearing (hearing) for February 27, 2012.

On January 31, 2012, the District filed a complaint against Student, in OAH case number 2012010898 (Second Case). On January 31, 2012, OAH set for the Second Case, mediation for February 16, 2012, PHC for February 22, 2012, at 10:00 a.m., and the hearing for February 29, 2012.

On February 1, 2012, the District filed a Motion to Consolidate the First Case with the Second Case. On February 7, 2012, the Student filed her non-opposition to the request, but requested that this matter proceed on both days set for hearing in OAH Case numbers 2011110753 and 2012010898.

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].)

The First Case and Second Case involve a common question of law and fact regarding whether the District appropriately assessed Student in its speech and language assessment. Other issues in Student's complaint regarding whether the District provided Student with a free appropriate public education involve similar evidence and witnesses. Without consolidation, there would be a danger of inconsistent rulings. Therefore, Student's Motion to Consolidate is granted as consolidation furthers judicial economy prevents inconsistent rulings.

As to Student's request regarding keeping both scheduled dates for hearing in the two cases, February 27 and 29, 2012, Student established good cause to keep both dates as the hearing in the consolidated matter will take more than one day. Additionally, because this matter will take more than two days of hearing, the intervening day, February 28, 2012, will be added as an additional hearing day.

ORDER

1. The District's Motion to Consolidate is granted.
2. All PHC and hearing dates previously set in OAH Case Numbers 2011110753 (First Case) and 2012010898 (Second Case) remain on calendar. The mediation in OAH Case number 2012010898 (Second Case) is vacated. The consolidated cases shall proceed as follows: Telephonic PHC on February 22, 2012, at 10:00 a.m., and a due process hearing on February 27, 2012, at 1:30 p.m., and February 28 and 29, 2012, at 9:30 a.m.
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 2011110753 (First Case).

Dated: February 8, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings