

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2012020135

v.

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

REDLANDS UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2012010847

v.

ORDER GRANTING MOTION TO
CONSOLIDATE

PARENTS ON BEHALF OF STUDENT.

On January 27, 2012, the Redlands Unified School District (District) filed a Request for Due Process Hearing (complaint) against Student, in Office of Administrative Hearings (OAH) case number 2012010847 (First Case). On January 31, 2011, OAH set for the First Case, the prehearing conference (PHC) for February 15, 2012, and the due process hearing (hearing) for February 22, 2012.

On February 6, 2012, Student filed a complaint against the District and East Valley Special Education Local Planning Area (SELPA), in OAH case number 2011111030 (Second Case). On February 8, 2012, OAH set for the Second Case, mediation for March 13, 2012, the PHC for March 26, 2012, and the hearing for April 3, 2012.

On February 6, 2012, Student filed a Motion to Consolidate the First Case with the Second Case. On February 8, 2012, the District and SELPA filed a non-opposition to the request.

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's October 24, 2011 individualized education program (IEP) provided Student with a free appropriate public education (FAPE). Other issues in Student's complaint regarding whether the District properly assessed Student and if the prior IEP provided Student with a FAPE 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.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case number 2012010847 (First Case) are vacated. The consolidated cases shall proceed on the dates scheduled in OAH Case number 2012020135 (Second Case) which are: Mediation on March 13, 2012, at 9:30 a.m., a telephonic PHC on March 26, 2012, at 1:30 p.m., and a due process hearing on April 3, 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 2012020135 (Second Case).

Dated: February 10, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings