

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NOS. 2012020834 and
2011100639

ORDER GRANTING MOTION TO
CONSOLIDATE

On October 18, 2011, the Irvine Unified School District, through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing (District Complaint) that named Student. OAH has assigned this matter case number 2011100639. Currently scheduled in the District case are a prehearing conference set for February 27, 2012, and a due process hearing set for March 7, 8 and 9, 2012.

On February 23, 2012, Student, through counsel, filed with OAH a Request for Due Process Hearing (Student Complaint) that named the District. OAH has assigned this matter case number 2012020834. Currently pending in the Student Complaint are a mediation set for March 29, 2012, a prehearing conference set for April 11, 2012, and a due process hearing set for April 25, 2012.

Also, on February 23, 2012, Student moved to consolidate the District Complaint with the Student Complaint. The District does not oppose the request for consolidation, but does oppose a continuance of the hearing dates currently scheduled in the District Complaint.

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 District and Student Complaints share common question of law or fact, and the District does not oppose the request for consolidation. Accordingly, the request is granted.

ORDER

1. Student's Motion to Consolidate OAH case numbers 2011100639 and 2012020834 is granted.
2. All dates previously set in OAH case number 2011100639 (District Complaint) are vacated. The currently scheduled mediation and hearing dates in OAH case number 2012020834 (Student Complaint) now control the proceeding.
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 2012020834.

Dated: February 25, 2012

/s/

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