

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

EL CENTRO ELEMENTARY SCHOOL
DISTRICT.

OAH CASE NOS. 2012080113 and
2012100380

ORDER GRANTING MOTION TO
CONSOLIDATE

On August 3, 2012, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Complaint that named the El Centro Elementary School District (District). OAH designated this Student Complaint as case number 2012080113. Currently pending in the Student Complaint is a prehearing conference set for October 15, 2012, and a due process hearing set for October 23 through 25, 2012..

On October 9, 2012, the District, through counsel, filed with OAH a Due Process Complaint that named Student. OAH designated this District Complaint as case number 2012100380. Currently pending in the District Complaint is a mediation set for October 25, 2012, a prehearing conference set for October 31, 2012, and a due process hearing set for November 8, 2012.

On October 10, 2012, the District filed with OAH a Motion to Consolidate the Student and District Complaints. Counsel for Student has not filed a response to this request.

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 questions of law or fact, and the interests of judicial economy require joinder. Accordingly, consolidation of the Student and District Complaints is granted.

ORDER

1. The Motion to Consolidate of El Centro Elementary School District is granted.
2. All dates previously set in OAH case number 2012080113 (Student Complaint) are vacated. The mediation and hearing dates pertaining to OAH case number 2012100380 (District Complaint) shall apply to the consolidated matters.
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 2012100380 (District Complaint).

Dated: October 15, 2012

/s/

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