

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. TEMECULA VALLEY UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2012090476
TEMECULA VALLEY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012090666 ORDER GRANTING JOINT REQUEST TO CONSOLIDATE

On September 17, 2012, Parent on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2012090476 (First Case), naming the Temecula valley Unified School District (District) as respondent.

On September 21, 2012, the District filed a Request for Due Process Hearing in OAH case number 2012090666 (Second Case), naming Student as respondent.

On September 27, 2012, both parties filed a Joint Request to Consolidate the First Case with the Second Case. The parties request that the consolidated case dates follow the scheduling order of the first case dated September 18, 2012.

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].)

Here, the First Case and Second Case involve a common question of law or fact, specifically, whether the August 30, 2012 Individualized Education Program (IEP) proposed by the District will provide Student with a free appropriate public education. Accordingly, consolidation is granted.

ORDER

1. The Joint Request to Consolidate is granted.
2. All dates previously set in OAH Case Number 2012090476 will apply to the consolidated case. All dates set in OAH Case Number 2012090666 are vacated.
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 2012090476.

Dated: September 28, 2012

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings