

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

HEMET UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NOS. 2012090499 and
2012110300

ORDER GRANTING MOTION TO
CONSOLIDATE

On September 14, 2012, the Hemet Unified School District (District), through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Hearing Request that named Student. OAH assigned this first District matter case number 2012090499. Currently scheduled in the first District Case is a mediation set for November 21, 2012, a prehearing conference set for December 3, 2012, and a due process hearing set for December 12, 2012.

On November 6, 2012, the District, through counsel, filed with OAH another Due Process Hearing Request that named Student. OAH assigned this second District matter case number 2012110300. Currently scheduled in the second District Case is a mediation set for November 20, 2012, a prehearing conference set for November 26, 2012, and a due process hearing set for December 6, 2012.

On November 9, 2012, counsel for the District filed with OAH a motion to consolidate case numbers 2012090499 and 2012110300. Parents, on behalf of Student, have not filed with OAH a response to this motion.

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 two District cases involve common questions of law or fact, and consolidation will further the interests of judicial economy. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate OAH case numbers 2012090499 and 2012110300 is granted.
2. All dates previously set in OAH case number 2012110300 (second District Case) are vacated.
3. The mediation and hearing dates for the consolidated matters shall be those currently set in OAH case number 2012090499 (first District Case)
4. 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 2012090499 (first District Case).

Dated: November 14, 2012

/s/

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