

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NOS. 2013011003 and
2012110046

ORDER GRANTING MOTION TO
CONSOLIDATE

On October 31, 2012, the Irvine Unified School District (District) filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing that named Student. OAH has given this District Complaint case number 2012110046. Currently pending in the District Case is a prehearing conference on February 4, 2013, and a due process hearing on February 5 – 7, 2013.

On January 31, 2013, Student, through counsel, filed with OAH a Due Process Complaint that named the District. OAH has given this Student Complaint case number 2013011003. Currently pending in the Student Case is a mediation set for March 7, 2013, a prehearing conference on March 20, 2013, and a due process hearing on March 26, 2013.

Also, on January 31, 2013, Student filed with OAH a Motion to Consolidate, seeking to join the District and Student Cases. On the same day, counsel for the District filed with OAH a non-opposition to the 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 District and Student cases involve common questions of fact and law, and consolidation will further the interests of judicial economy. Accordingly, the motion is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH case number 2012110046 (District Case) are vacated.
3. The dates currently set in OAH case number 2013011003 (Student Case) shall be the mediation and hearing dates for the consolidated matters.
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 2013011003 (Student Case).

Dated: February 01, 2013

/s/

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