

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

IRVINE UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2016030526

ORDER DENYING MOTION TO
CONSOLIDATE

On March 10, 2016, Irvine Unified School District filed a Motion to Consolidate the above referenced case that it filed on March 10, 2016, with the consolidated matter involving Student and District, OAH Case Nos. 2015100813 and 2015120606, which were consolidated on December 21, 2015. That same day, the Office of Administrative Hearings also granted the parties' continuance request, which set the prehearing conference for 1:00 p.m., on March 14, 2016, and hearing for March 21–24, 2016. Student has not filed a response to the motion.

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, while District's Case and the consolidate cases do involve some common question of law or fact and will have similar witnesses, that is not sufficient to consolidate these matters. District's March 10, 2016 complaint concerns its individualized educational program offer of March 8, 2016, while the consolidated cases involve Districts IEP offer of September 30, 2015, and the assessments involved in that IEP. Further, Student has not found it sufficient to amend his complaint to include the new IEP. Therefore, District's motion to consolidate is denied.

ORDER

1. District's Motion to Consolidate is denied without prejudice.

2. If the parties meet and confer and agree upon consolidation before the prehearing conference in the consolidated matters of OAH Case Nos. 2015100813 and 2015120606, they shall inform OAH in writing before the prehearing conference, and additionally agree upon any continued hearing dates.
3. District may resubmit its motion to consolidate if Student moves to amend his complaint in OAH Case No. 2015100813 to include allegations as to the March 8, 2016 IEP.
4. This matter shall proceed as presently scheduled.

DATE: March 11, 2016

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings