

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: IRVINE UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2010031369
PARENT ON BEHALF OF STUDENT, v. IRVINE UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2010040740 ORDER GRANTING MOTION TO CONSOLIDATE AND RESETTING OF MEDIATION AND DUE PROCESS HEARING DATE

On March 22, 2010, Irvine Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2010031369 (First Case), naming Student (Student) as the respondent.

On April 14, 2010, Student filed a Request for Due Process Process Hearing in OAH case number 2010040740 (Second Case), naming the District as the respondent.

On April 14, 2010, Student filed a Motion to Consolidate the First Case with the Second Case and to vacate the due process hearing date set in Case Number 2010031369 (first case).

On April 14, 2010, ALJ Pasewark (ALJ) conducted a telephonic Prehearing Conference (PHC) on OAH case number 2010031369 (first case), at which time counsel for both parties stipulated to consolidate the two cases, vacate the hearing dates in OAH case number 2010031360 (first case), and reset the 45-day timeline as of April 14, 2010, when the ALJ telephonically granted Student's request to consolidate.

DISCUSSION AND APPLICATION OF LAW

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. The parties have stipulated to the consolidation and resetting of the 45-day timeline. Additionally, consolidation furthers the interests of judicial economy because each case involves the same issues and witnesses. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2010031369 (first case) 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 2010040740 (second case).

Dated: April 22, 2010

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings