

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

CAPISTRANO UNIFIED SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2010110620

PARENTS ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011020995

ORDER GRANTING MOTION TO
CONSOLIDATE

On November 16, 2010, Capistrano Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2010110620 (First Case), naming Student (Student). On February 24, 2010, Parents, on behalf of Student, filed a Request for Due Process Hearing in OAH case number 2011020995 (Second Case), naming District.

On February 24, 2011, Student filed a Motion to Consolidate the First Case with the Second Case.

On March 1, 2011, District a response and does not object to the consolidation. On March 2, 2011, Student filed a reply to District's response.

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 and fact. Both cases involve the same two IEP meetings, including the appropriateness of assessments, placement, and related issues. Thus, both cases involve many of the same witnesses and

documentary evidence. Consolidation furthers the interests of judicial economy because the testimony and evidence will address the same and related issues in one hearing. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2010110620 [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 2011020995 [Second Case], which shall be the primary case in these consolidated actions.
4. These consolidated matters are scheduled for mediation at 9:30 a.m., April 5, 2011, a prehearing conference at 1:30 p.m., April 13, 2011, and a due process hearing at 9:00 a.m., April 20, 2011, as previously set by the scheduling order issued March 2, 2011, in the Second Case.

Dated: March 07, 2011

/s/

CLIFFORD H WOOSLEY
Administrative Law Judge
Office of Administrative Hearings