

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. SAUGUS UNION SCHOOL DISTRICT,	OAH CASE NO. 2012010075 (FIRST CASE)
SAUGUS UNION SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH CASE NO. 2012010472 (SECOND CASE) ORDER GRANTING MOTION TO CONSOLIDATE

On January 5, 2012, Parents on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2012010075 (First Case), naming Saugus Union High School District (District).

On January 18, 2012, the District filed a Request for Due Process Hearing in OAH case number 2012010472 (Second Case), naming Student.

On January 18, 2012, the District filed a Motion to Consolidate the First Case with the Second Case. Student did not file a response to the motion.

APPLICABLE 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].)

DISCUSSION

Here, the First Case and Second Case involve a common question of law or fact, specifically, whether or not the District is required to pay for an Independent Educational

Evaluation (IEE). Student has not opposed the motion. In addition, consolidation furthers the interests of judicial economy because the issue involves the same parties, same witnesses, and common issue of law. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2012010075 (First Case) shall remain as scheduled. All dates previously set in OAH Case Number 2012101472 (Second 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 2012010075 (First Case).

Dated: February 01, 2012

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings