

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

TUSTIN UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012030264

ORDER GRANTING MOTION TO  
CONSOLIDATE AND CONTINUING  
HEARING DATES

On March 7, 2012, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing (Student Complaint) that named the Tustin Unified School District (District). OAH has assigned case number 2012030264 to the Student Complaint. Currently pending in the Student Complaint is a prehearing conference set for April 25, 2012, and a due process hearing set for May 1, 2012.

On April 17, 2012, the District, through counsel, filed with OAH a Request for Due Process Hearing (District Complaint) that named Student. OAH has assigned case number 2012040688 to the District Complaint. Currently pending in the District Complaint is a mediation set for May 2, 2012, a prehearing conference set for May 9, 2012, and a due process hearing set for May 15, 2012.

On April 18, 2012, the District filed with OAH a Motion to Consolidate the Student Complaint with the District Complaint. Counsel for Student has not filed a response to this 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 Student Complaint and the District Complaint involve common questions of law or fact, and consolidation furthers the interests of judicial economy. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.

2. All dates previously set in OAH case number 2012030264 (Student Complaint) and OAH case number 2012040688 (District Complaint) are vacated.
3. OAH shall issue a Scheduling Order that sets the following hearing dates in the consolidated cases: a prehearing conference for May 14, 2012, at 1:30 p.m., and a due process hearing for May 22, 23 and 24, 2012.
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 2012040688 (District Complaint).

Dated: April 19, 2012

/s/

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