

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2012060628 (Primary)

v.

BELLFLOWER UNIFIED SCHOOL
DISTRICT,

BELLFLOWER UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2012060009

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On May 24, 2012, District filed a Request for Due Process Hearing in OAH case number 2012060009 (First Case), Student.

On June 13, 2012 Student filed a Request for Due Process Hearing in OAH case number 2012060628 (Second Case), naming District.

On June 13, Student filed a Motion to Consolidate the First Case with the Second Case. District did not file a response to the 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 First Case and Second Case involve a common question of law or fact, specifically, both cases raise issues concerning whether District denied Student a free appropriate public education (FAPE), substantively and procedurally, in the May 3, 2012, individualized educational program (IEP) and subsequent follow up IEP meetings on May 8, 2012 and May 11, 2012. In addition, consolidation furthers the interests of judicial economy

because both cases will require testimony from the same witnesses and the production of evidence common to both cases. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2012060009 [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 2012060628 [Second Case].

Dated: June 18, 2012

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings