

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2012070992

v.

CLOVIS UNIFIED SCHOOL DISTRICT,

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CLOVIS UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2012080216

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO  
CONSOLIDATE

On July 30, 2012, Student filed a Request for Due Process Hearing (complaint) against the Clovis Unified School District (District) in Office of Administrative Hearings (OAH) case number 2012070992 (First Case). On July 1, 2012, OAH issued a scheduling order for the First Case setting mediation for September 6, 2012, the prehearing conference (PHC) for September 19, 2012, at 10:00 a.m., and the due process hearing (hearing) for September 25, 2012, and continuing day-to-day Monday through Thursday.

On August 7, 2012, the District filed a complaint against Student, in OAH case number 2012080216 (Second Case). On August 9, 2012, OAH issued a scheduling order for the Second Case setting mediation for August 21, 2012, the PHC for August 29, 2012, at 1:30 p.m., and the hearing for September 6, 2012, and continuing day-to-day.

On August 8, 2012, the District filed a Motion to Consolidate the First Case with the Second Case. On August 13, 2012, Student submitted a response that did not oppose the District's motion.

*Consolidation*

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].)

The First Case and Second Case involve a common question of law and fact regarding whether the District offered Student a free appropriate public education in its April 16, 2012 individualized education program, as revised on April 23, 2012, May 11, 2012, and May 31, 2012, and involve similar evidence and witnesses. Without consolidation, there would be a danger of inconsistent rulings. Therefore, the District's Motion to Consolidate is granted as consolidation furthers judicial economy prevents inconsistent rulings.

### ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case number 2012080216 (Second Case) are vacated. The consolidated cases shall proceed on the dates scheduled in OAH Case number 2012070992 (First Case) which are: mediation for September 6, 2012, PHC for September 19, 2012, at 10:00 a.m., and hearing for September 25, 2012, and continuing for day to day.
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 2012070992 (First Case).

Dated: August 14, 2012

/s/  
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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings