

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. FRESNO UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2012100242
FRESNO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012100291 ORDER GRANTING JOINT MOTION TO CONSOLIDATE

Student filed a request for due process hearing (complaint) on October 3, 2012, in OAH case number 2012100242, naming the Fresno Unified School District (District) (First Case). On October 5, 2012, the District filed a complaint in OAH case number 2012100291, naming Student (Second Case).

On October 29, 2012, the parties filed a joint motion to consolidate the two cases.

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 some common question of law or fact. Student's case alleges that the District procedurally and substantively denied her a free appropriate public education (FAPE) over the course of three school years. The District's complaint raises five issues. In its issue five the District asks the Office of Administrative Hearings to find that it offered Student a FAPE in its October 25, 2011 individualized education program and in its September 26, 2012 prior written notice of placement. Both issues mirror issues raised by Student in her complaint. Consolidating the two cases therefore furthers the interest of judicial economy. Accordingly, the parties' joint motion for consolidation is granted.

ORDER

1. The parties' joint motion to consolidate is granted.
2. All dates previously set in OAH Case Number 2012100291 [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 2012100242 [First case].
4. All dates presently set in Student's case (First Case) shall remain on calendar as the dates for the consolidated matter.

Dated: October 30, 2012

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings