

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: REDLANDS UNIFIED SCHOOL DISTRICT AND EAST VALLEY SELPA, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013020305
PARENT ON BEHALF OF STUDENT, v. REDLANDS UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2013030602 (Primary) ORDER GRANTING MOTION TO CONSOLIDATE

On February 8, 2013, the Redlands Unified School District and the East Valley Special Education Local Planning Area (SELPA) (District) filed a Due Process Hearing Request (complaint), OAH Case Number 2013020305 (First Case), naming Parents on behalf of Student (Student) as respondents. On February 18, 2013, the District filed an Amended Due Process Hearing Request. On February 25, 2013, the District filed a Second Amended Complaint.

On March 15, 2013 Student filed a complaint naming District, OAH Case Number 2013030602 (Second Case). On March 18, 2013, Student filed a Motion to consolidate the cases. District did not object to the 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].)

Here, the First Case and Second Case involve a common question of law or fact, specifically, both cases concern whether District denied Student a free appropriate public education (FAPE) in the 2012-2013 school year. District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases involve the same parties, documentary evidence, and witnesses. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013020305 [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 2013030602 [Second Case].
4. OAH Case Number 2013030602 shall be designated as the primary case

Dated: March 25, 2013

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings