

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. IRVINE UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013050520
IRVINE UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH CASE NO. 2013060176 ORDER GRANTING MOTION TO CONSOLIDATE

On May 14, 2013, Parents on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2013050520 (First Case), naming Irvine Unified School District (District).

On June 3, 2013, District filed a Request for Due Process Hearing in OAH case number 2013060176 (Second Case), naming Student. District concurrently filed a Motion to Consolidate the First Case with the Second Case. Student has not filed a response or objection to the 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 common questions of law or fact. In the First Case, Student generally alleges that the District denied him a free appropriate public education (FAPE) in Student's initial individualized education program (IEP) of April 2013 for various reasons, including the inadequacy and inappropriateness of the assessments conducted by District and presented to the IEP team. In the Second Case, the District states it conducted and prepared an April 2012 Initial Multi-Disciplinary Assessment and an Assessment Report, which were presented to the April 2013 IEP team. District alleges that

Student disagreed with these assessments and requested an independent educational evaluation (IEE), at public expense. The District denied Parents' request in a May 31, 2013 prior written notice. Accordingly, District filed the Second Case to adjudicate the appropriateness of the District's April 2013 Assessment and Assessment report, seeking a determination that District is not required to fund the requested IEE. Therefore, the adequacy and appropriateness of the assessments are at issue in both cases, which will therefore involve the same witnesses and documentary evidence. Consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013060176 [Second Case] are vacated.
3. All dates previously set in the OAH Case Number 2013050520 [First Case] shall apply to these consolidated cases.
4. OAH Case Number 2013050520 [First Case] shall be the primary case and 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 the First Case.

Dated: June 13, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings