

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PERRIS UNION HIGH SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NOS. 2013110810 and
2013100827

ORDER GRANTING MOTION TO
CONSOLIDATE

On October 21, 2013, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Due Process Complaint (Student Complaint) that named the Perris Union High School District (District). OAH assigned the Student Complaint case number 2013100827. Currently pending in the Student Complaint is a prehearing conference set for December 9, 2013, and a due process hearing set for December 17, 2013.

On November 22, 2013, the District, through counsel, filed with OAH a Complaint for Due Process Hearing (District Complaint) that named Student. OAH assigned the District Complaint case number 2013110810. Currently pending in the District Complaint is a mediation set for December 10, 2013, a prehearing conference set for December 16, 2013, and a due process hearing set for December 23, 2013.

Also, on November 22, 2013, the District filed with OAH a Motion to Consolidate the Student and District Complaints. Student has not filed with OAH a response to this request.

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 Student and District Complaints involve common questions of law and fact. The Student Complaint raises the issue of whether the District provided Student with FAPE for the 2013-2014 school year. The District Complaint raises the issue of whether the District is entitled to assess Student pursuant to a September 2013 assessment plan. Both issues will involve similar witnesses and documents. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted. OAH case numbers 2013100827 and 2013110810 are hereby consolidated.
2. All dates previously set in OAH case number 2013100827 (Student Complaint) are vacated.
3. The mediation and hearing dates in OAH case number 2013110810 (District Complaint) shall become the mediation and hearing dates for the consolidated matters, subject to a request for continuance from the parties.
4. 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 2013110810 (District Complaint).

Dated: December 05, 2013

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings