

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

TUSTIN UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2014070440

PARENTS ON BEHALF OF STUDENT,

v.

TUSTIN UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2014071002

ORDER GRANTING JOINT
STIPULATION TO CONSOLIDATE
CASES

On July 7, 2014, the Tustin Unified School District filed a Request for Due Process Hearing in OAH case number 2014070440 (First Case), naming Parents on behalf of Student as respondent.

On July 17, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014071002 (Second Case), naming District as respondent.

On July 25, 2014, the parties filed a Stipulation to Consolidate the First Case with the Second Case. The parties request that the consolidated case proceed as to the scheduling order issued in the Second Case.

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, whether the April 9, 2014 IEP offer provides Student with a free appropriate public education. Consolidation furthers the interests of judicial economy because it eliminates having to litigate the same issue twice. Accordingly, consolidation is granted.

ORDER

1. The joint stipulation to consolidate is granted. The Second Case shall hereby be designated as the primary case.
2. All dates previously set in OAH Case Number 2014070440 (First Case) are vacated. OAH will issue a scheduling order based on the filing date of the OAH Case Number 2014071002 (Second Case).
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 2014071002 (Second Case).

DATE: July 25, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings