

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. TUSTIN UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015050133
TUSTIN UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2015030825 ORDER GRANTING MOTION TO CONSOLIDATE

On March 17, 2015, the Tustin Unified School District filed a Request for Due Process Hearing in Office of Administrative Hearing case number 2015030825 (District’s Case), naming Parents on behalf of Student.

On May 4, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015050133 (Student’s Case), naming District.

Also on May 4, 2015, Student filed a Motion to Consolidate District’s Case with Student’s Case.¹ District timely submitted its non-opposition to Student’s motion.

Request for 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].)

¹ Student also requested a continuance of District’s case to the dates set for Student’s case. Since Student’s case is set as the primary case, Student’s continuance request is moot.

Here, District's Case and Student's Case involve a common question of law or fact, including similar questions related to Student's education needs and program. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted, and Student's case, OAH case number 2015050133, designated as the primary case.
2. All dates previously set in OAH case number 2015030825 (District's Case) are vacated.
3. The consolidated cases shall now be heard on the dates currently set in OAH case number 2015050133 (Student's Case), unless otherwise ordered.
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 2015050133 (Student's Case).

DATE: May 8, 2015

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings