

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. TUSTIN UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014070308
TUSTIN UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2014080441 ORDER GRANTING MOTION TO CONSOLIDATE

On July 3, 2014, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings in OAH case number 2014070308 (First Case), naming Tustin Unified School District.

On August 11, 2014, District filed a Request for Due Process Hearing in OAH case number 2014080441 (Second Case), naming Student.

On August 12, 2014, the parties filed a joint Motion to Consolidate the First Case with the Second Case.

APPLICABLE LAW AND DISCUSSION

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, regarding whether District properly assessed Student, if Student is also eligible

for special education services under the eligibility category of autism and whether District offered an appropriate educational program to meet his unique needs. In addition, consolidation furthers the interests of judicial economy because of the commonality of legal and factual issues, plus documentary evidence and witnesses. Accordingly, consolidation is granted

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014070308 [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 2014080441 [Second Case].

DATE: August 14, 2014

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings