BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. NEWPORT-MESA UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2013071304
NEWPORT-MESA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013040881 ORDER GRANTING STUDENT'S MOTION TO CONSOLIDATE

On April 22, 2013, the Newport-Mesa Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2013040881 (First Case), naming Parent on behalf of Student (Student).

On July 31, 2013, Student filed a Request for Due Process Hearing in OAH case number 2013071303 (Second Case), naming the District.

On July 31, 2013, Student filed a Motion to Consolidate the First Case with the Second Case. The District did not file a response to the motion. Neither party made a request for a continuance of hearing dates.

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 a common question of law or fact, regarding the sufficiency of the District's assessments and Student's request for Independent Expert Evaluations, and the sufficiency of the District's April 1, 2013 Individual Educational Program as an offer of a free public education. The District did not file an opposition to Student's motion. In addition, consolidation furthers the interests of judicial economy because the cases involve the same issues of fact and law, and involve the same witnesses and evidence. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013040881 (First Case) are vacated. The mediation and hearing dates initially scheduled in OAH Case Number 2013071304 (Second Case) shall apply to the consolidated matters.
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 2013071304 (Second Case).

Dated: August 08, 2013

/s/
JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings