BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013070968
v.	ORDER DENYING REQUEST TO CONSOLIDATE WITHOUT PREJUDICE AND DENYING REQUEST FOR EXPEDITED HEARING
CUPERTINO UNION SCHOOL DISTRICT.	

On July 22, 2013, Student filed a request for due process hearing (complaint) naming Cupertino Union School District (District). The complaint included a request for 1) consolidation of Student's case with a separate case filed on behalf of Student's sibling, and 2) an expedited hearing in both cases. District did not respond to either of Student's requests.

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, Student's generic request for consolidation of two sibling cases was mentioned at the beginning of his complaint without addressing the merits of consolidation or explaining why the two cases were appropriate for consolidation. The request was not filed as a separate motion which gave District an opportunity to respond appropriately. Accordingly, the request for consolidation is denied without prejudice to Student's right to file an appropriate motion to consolidate the two cases, supported by specific factual arguments, with proper notice to, and an opportunity to respond by District.

Request for Expedited Hearing Schedule

Claims brought under the Individuals with Disabilities Education Act are only set for expedited hearings under those limited circumstances provided for in Title 20 United States Code section 1415(k). None of those circumstances are alleged in Student's complaint. Therefore, Student's request for an expedited hearing on the complaint is denied.

ORDER

1. Student's Motion to Consolidate is denied.
2. Student's request for an expedited hearing schedule is denied.
3. All mediation and hearing dates are confirmed.

Dated: July 30, 2013

/s/
ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings