BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RIVERSIDE UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2013040291 ORDER FOLLOWING PRE-HEARING CONFERENCE AND GRANTING MOTION TO CONSOLIDATE OAH CASES 2013040291 AND 2013050627

On May 20, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Robert Helfand, Office of Administrative Hearings (OAH). Deborah J. Pepaj, Attorney at Law, appeared on behalf of Parent on behalf of Student (Student). Jack B. Clarke, Jr. and Michelle Jordan, Attorneys at Law, appeared on behalf of the Riverside Unified School District (District). The PHC was not recorded.

Based on discussion of the parties, the ALJ issues the following order:

MOTION TO CONSOLIDATE

On May 17, 2013, the District filed a Request for Due Process Hearing in OAH Case Number 2013050627 along with a Motion to Consolidate the District filed case with the instant matter. Oral argument, where Student opposed the motion, was heard.

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 Student filed case and the District filed case involve a common question of law or fact, specifically, whether the District's IEP offer of February 20, 2013, constitutes a free appropriate public education.. Consolidation furthers the interests of judicial economy because both cases involve the same witnesses and documentary evidence. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 201304291 (Student filed case) are vacated except for the Mediation of May 23, 2013.
3. The following dates set forth in the May 20, 2013 scheduling order in OAH Case Number 2013050627 (District filed case) will apply to the consolidated matter as follows:

   PREHEARING CONFERENCE: June 5, 2013 at 1:30 p.m.

   DUE PROCESSING HEARING: June 12, 2013

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 2013050627.

IT IS SO ORDERED.

Dated: May 20, 2013

/s/
ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings