

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013020290
v.	
IRVINE UNIFIED SCHOOL DISTRICT,	
IRVINE UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013020718
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On February 7, 2013, Student filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2013020290 (First Case), naming Irvine Unified School District (District).

On February 20, 2013, the District filed a Request for Due Process Hearing in OAH case number 2013020718 (Second Case), naming Student.

On February 21, 2013, the District filed a Motion to Consolidate the First Case with the Second Case. Student did not file an opposition.

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, both cases concern events that happened in the same school year and also concern Student's communication needs. Student did not oppose the motion. In addition,

consolidation furthers the interests of judicial economy because there is a risk of inconsistent rulings if the cases were to be heard sequentially. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013020718 (Second Case) are vacated.
3. The consolidated cases will proceed with the dates currently scheduled in OAH Case Number 2013020290 (First Case).
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 2013020290 (First Case).

IT IS SO ORDERED

Dated: February 28, 2013

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings