

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013030044
v.	
SAUGUS UNION SCHOOL DISTRICT,	
SAUGUS UNION SCHOOL DISTRICT,	OAH CASE NO. 2013030217
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On February 28, 2013, Student filed a Request for Due Process Hearing in OAH case number 2013030044 (First Case), naming Saugus Union School District (District) as the respondent.

On March 6, 2013, District filed a Request for Due Process Hearing in OAH case number 2013030217 (Second Case), naming Student as the respondent.

On March 6, 2013, District filed a Motion to Consolidate the Second Case with the First Case. Student did not file a response to the motion.

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 common questions of law or fact. Specifically, in the First Case, Student alleges that District denied Student a free appropriate public education (FAPE) in the 2011-2012 and 2012-2013 school years, challenges the appropriateness of District's offer of FAPE made in Student's last annual individualized

education program (IEP) dated May 8, 2012, as amended, and seeks independent educational evaluations in the areas of behavior and speech and language. In the Second Case, District seeks to establish the appropriateness of its speech and language and behavior assessments, and requests an order allowing it to implement the offer of FAPE made in the May 8, 2012, IEP and amendments thereto. Student does not oppose the motion. Accordingly, because of the substantial overlap of issues, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in the Second Case, OAH Case Number 2013030217 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 the First Case, OAH Case Number 2013030044.

Dated: March 12, 2013

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings