

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2014051265
v.	
FULLERTON SCHOOL DISTRICT,	
FULLERTON SCHOOL DISTRICT,	OAH CASE NO. 2014051213
v.	
PARENTS ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On May 27, 2014, the Fullerton School District (Fullerton) filed a request for due process hearing in OAH case number 2014051213 (First Case), naming Student's parents on behalf of Student (Student).

On May 28, 2014, Student filed a request for due process hearing in OAH case number 2014051265 (Second Case), naming Fullerton.

On June 5, 2014, Student filed a Motion to Consolidate the First Case with the Second Case. Fullerton does not object 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 and fact, specifically, the appropriateness of Fullerton's assessment of Student and the individualized education program (IEP) offer for Student. Fullerton does not oppose the motion. Consolidation furthers the interests of judicial economy because it will prevent the need for a second hearing at which the same witnesses will testify, and it will prevent the possibility of inconsistent verdicts between the two cases. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014051213 (First Case) 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 OAH Case Number 2014051265 [Second Case].

DATE: June 6, 2014

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings