BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. REDLANDS UNIFIED SCHOOL DISTRICT.	OAH CASE NOs. 2012110422 and 2013020510 ORDER GRANTING MOTION TO CONSOLIDATE AND CONTINUING INITIAL HEARING DATES

On November 14, 2012, Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing that named the Redlands Unified School District (District). OAH assigned this Student Complaint case number 2012110422. On February 13, 2013, Administrative Law Judge Susan Ruff convened a prehearing conference in the Student case. Currently pending in the Student Complaint is a due process hearing set for February 19 – 21, 2013.

On February 12, 2013, the District, through counsel, filed with OAH a Due Process Complaint that named Student. OAH assigned this District Complaint case number 2013020510. Currently pending in the District Complaint is a mediation set for February 28, 2013, a prehearing conference set for March 6, 2013, and a due process hearing set for March 12, 2013.

Also, on February 12, 2013, counsel for the District filed with OAH a motion to consolidate the Student and District Complaints. At the PHC before ALJ Ruff, counsel for Student did not object to this 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 Student and District Complaints involve common questions of law or fact, specifically, the adequacy of assessments of Student, and the appropriateness of his recent IEP's. Accordingly, consolidation is granted.

ORDER

1. The motion to consolidate is granted.
2. All hearing dates currently set in OAH case number 2012110422 (Student Complaint) are vacated.
3. The mediation and hearing dates in OAH case number 2013020510 (District Complaint) are also vacated and continued. The consolidated cases are now set for a prehearing conference on Monday, March 18, 2013, at 10:00 a.m., and for a due process hearing on March 25, 2013, starting at 1:30 p.m., and March 26, 27 and 28, 2013. The parties may request a mutually convenient mediation date from OAH.
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 2013020510 (District Complaint).

Dated: February 14, 2013

/s/

TIM NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings