BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. MANTECA UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2013080296 ORDER DENYING MOTION TO CONSOLIDATE

On May 21, 2013, the Manteca Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2013050805 (First Case) naming Parent on behalf of Student as respondent.

On August 7, 2013, Parent on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2013080296 (Second Case), naming the District as respondent.

On August 7, 2013, Student filed a Motion to Consolidate the First Case with the Second Case.

On August 9, 2013, the District filed a Notice of Insufficiency as to Student's complaint in the Second Case. On August 13, 2013, OAH issued an order finding Student's complaint in the Second Case insufficient. Because the complaint in the Second Case has been determined insufficient, Student's motion to consolidate cases is moot.

Should Student file an amended complaint in the Second Case, he is free to move to consolidate the two matters.

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].)

ORDER

1. Student's Motion to Consolidate is denied without prejudice.

Dated: August 13, 2013

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings