BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. FULLERTON SCHOOL DISTRICT,	OAH Case No. 2017090443
FULLERTON SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017060283 ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE TO DATES SET IN STUDENTS CASE

On June 6, 2017, Fullerton School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case No.2017060283 (District's Case), naming Student.

On September 12, 2017, Student filed a Request for Due Process Hearing in OAH Case No.2017090443 (Student's Case), naming District.

On September 12, 2017, the parties filed a Joint Motion to Consolidate District's Case with Student's Case and that the consolidated proceed on the dates set in OAH Case No. 2017090443 (Student's Case).

Consolidation

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, District's Case and Student's Case involve common questions of law and fact, specifically regarding the sufficiency of assessments and provision of a free appropriate

public education. The parties have made a joint motion for consolidation. In addition, consolidation furthers the interests of judicial economy because both cases involve the same witnesses and exhibits. Accordingly, consolidation is granted.

ORDER

1. The Joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case No. 2017060283 (District's Case) are vacated.
3. The consolidated matters shall proceed under the dates currently set in OAH Case No. 2017090443 (Student's Case). Specifically, the Mediation in the above-captioned cases shall be held on October 17, 2017, at 9:30 a.m.; the Prehearing Conference shall be held on October 30, 2017, at 1:00 p.m.; and the Due Process Hearing in the consolidated cases shall be held on November 11, 2017 at 9:30 a.m., and continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
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 No. 2017090443 (Student's Case).

IT IS SO ORDERED.

DATE: September 15, 2017

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Judith Pasewark
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JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings