BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. TEMPLE CITY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018060785
TEMPLE CITY UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2018070829 ORDER GRANTING MOTION TO CONSOLIDATE

On June 18, 2018, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2018060785 (Student's Case), naming Temple City Unified School District. Student's Case has a prehearing conference scheduled for August 6, 2018, and the hearing set for August 15, 2018.

On July 19, 2018, Temple City filed a Request for Due Process Hearing in OAH case number 2018070829 (District's Case), naming Student. Temple City concurrently filed a Motion to Consolidate its case with Student's Case. Student has not filed a response to the consolidation motion.

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].)

Discussion

Student's Case and District's Case involve common questions of law and fact. Student's Case alleges District's June 1, 2018 Individualized Education Program, which amends the February 5, 2018 IEP, is inappropriate because it places Student in a special day class for academic instruction. District's Case asserts that Student's February 5, 2018 IEP, including placement in the special day class, provides Student with a FAPE and that District should be allowed to implement the IEP in the absence of parental consent.

Consolidation of these matters is appropriate and will promote judicial economy, allowing the parties and OAH to avoid the additional time and cost incurred from conducting two hearings involving the same witnesses, time periods, facts, and evidence. Accordingly, consolidation is granted.

ORDER

1. District's motion to consolidate is granted. OAH Case Number 2018060785 (Student's Case) shall be the primary case into which all further pleadings shall be filed.
2. All dates previously set in OAH Case Number 2018070829 (District's Case) are vacated.
3. The prehearing conference and due process hearing that have been scheduled in OAH Case Number 2018060785 (Student's Case) will now apply to these consolidated cases.
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 amended complaint in OAH Case Number 2018060785 (Student's Case).

IT IS SO ORDERED.

DATE: July 26, 2018

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings