BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. UPLAND UNIFIED SCHOOL DISTRICT ,	OAH Case No. 2017031306
UPLAND UNIFIED SCHOOL DISTRICT , v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017050704 ORDER GRANTING UPLAND UNIFIED SCHOOL DISTRICT'S MOTION TO CONSOLIDATE

On March 22, 2017, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2017031306 (Student's Case), naming Upland Unified School District.

On May 1, 2017, Student filed a request to amend his complaint and add the issue of whether Student had been denied a free appropriate public education by District's exiting him from special education at the March 22, 2017 individualized education plan meeting. On May 4, 2017, OAH granted Student's request to amend his complaint, and set the mediation for June 8, 2017, the prehearing conference for June 16, 2017, and the hearing for June 28, 2017.

On May 16, 2017, District filed a Request for Due Process Hearing in OAH case number 2017050704 District's Case, naming Student. District raised only one issue, whether Student met the eligibility requirements for special education under either state or federal law. On May 17, 2017, OAH issued a scheduling order for the District's case, and set the mediation for June 1, 2017, the prehearing conference for June 9, 2017, and the hearing for June 14, 2017.

On May 16, 2017, District filed a Motion to Consolidate Student's Case with District's Case, and to consolidate the dates in the two cases based upon the mediation, prehearing conference, and hearing dates set in Case Number 2017050704 (District's Case).

On May 16, 2016, Student filed an objection to consolidation on the ground that Student had already filed a due process hearing request on a similar issue, and that dates for Student's amended due process case had already been set by OAH.

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, Student's Case and District's Case involve a common question of law or fact, specifically, whether or not Student continues to qualify for special education following the March 22, 2017 individualized education plan meeting. In addition, consolidation furthers the interests of judicial economy because witnesses and evidence needed for hearing will be similar or the same. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2017050704 [District's 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 2017031306 Student's, as amended by Order of May 4, 2017.
4. The prehearing conference in the consolidated cases shall be held on June 16, 2016, at 3:00 p.m. and the Due Process Hearing in the consolidated cases shall be held on June 28, 2017 at 9:30 a.m., and June 29, 2017 at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: May 31, 2017

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Ted Mann
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TED MANN
Administrative Law Judge
Office of Administrative Hearings