BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. TEMECULA VALLEY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018070108
TEMECULA VALLEY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018081019 ORDER GRANTING MOTION TO CONSOLIDATE

On June 29, 2018, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2018070108 (Student's Case), naming Temecula Valley Unified School District. On July 27, 2018, OAH granted the parties continuance request and set a prehearing conference on September 17, 2018, and a due process hearing commencing on September 25, 2018.

On August 24, 2018, Temecula filed a Request for Due Process Hearing in OAH case number 2018081019 (Temecula's Case), naming Student.

On August 24, 2018, Temecula filed a Motion to Consolidate Temecula's Case with Student's Case and to maintain the due process hearing dates set in Case Number 2018070108, Student's Case.

Student does not object to the 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].)

Here, Student's Case and Temecula's Case involve a common question of law or fact, specifically, the appropriateness of Student's November 2017 assessments. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because many of the same witnesses would testify at both hearings and much of the same evidence would be presented. Accordingly, consolidation is granted.

ORDER

1. Temecula's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2018081019, Temecula's Case, are vacated.
3. The Prehearing Conference in the consolidated cases shall be held on September 17, 2018, at 10:00 a.m. and the Due Process Hearing in the consolidated cases shall be held on September 25, 26, and 27, 2018, at 9:30 a.m. on the first day, and continuing 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 Number 2018070108, Student's Case.

DATE: September 6, 2018

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Linda Johnson
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LINDA JOHNSON
Administrative Law Judge
Office of Administrative Hearings