BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

ETIWANDA SCHOOL DISTRICT,

OAH CASE NUMBER 2022030482

OAH CASE NUMBER 2022030575

ORDER FOLLOWING PREHEARING CONFERENCE AND GRANTING DISTRICT'S MOTION TO CONSOLIDATE

APRIL 04, 2022

On April 4, 2022, Administrative Law Judge Christine Arden, Office of Administrative Hearings, called OAH, held a prehearing conference by videoconference in the case captioned Etiwanda School District v. Student, OAH case number 2022030575. The Administrative Law Judge is called an ALJ. The prehearing conference is called a PHC.

Sundee Johnson, Attorney at Law, appeared on behalf of Etiwanda School District. Robert Burgemeister, Attorney at Law, appeared on behalf of Student. The PHC

was recorded. Based upon discussion with the parties, the ALJ issues the following order:

On March 14, 2022, Student filed with OAH a Request for Due Process Hearing in OAH case number 2022030482, called Student's Case, naming Etiwanda School District.

On March 16, 2022, Etiwanda School District filed a Request for Due Process Hearing in OAH case number2022030575, called District's Case, naming Student.

On March 30, 2022, Etiwanda School District filed a Motion to Consolidate District's Case with Student's Case.

Student did not file a response to the motion to consolidate.

CONSOLIDATION

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, 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, both cases involve a common question of law or fact, specifically, Student's issue number 1, and Etiwanda School District's sole issue, both involve the question of whether Etiwanda School District offered Student a free appropriate public education, called a FAPE, in the individualized education program dated December 2, 2022. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because much of the documentary evidence will be the same in both

cases, and many of the same witnesses will be called to testify at the hearings in both cases. Accordingly, consolidation is granted.

ORDER

1. Etiwanda School District's Motion to Consolidate is granted.
2. Student's Case, OAH case number 2022030482 is designated as the primary case. All dates previously set in District's Case, OAH case number2022030575, 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 the Primary Case, OAH case number2022030482

IT IS SO ORDERED.

Christine Arden

Christine Arden
Administrative Law Judge
Office of Administrative Hearings