BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. ETIWANDA SCHOOL DISTRICT,	OAH Case No. 2017020602 (Primary)
ETIWANDA SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017020699 ORDER GRANTING DISTRICT'S MOTION TO CONSOLIDATE

On February 13, 2017, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2017020602 (Student's Case), naming Etiwanda School District. On February 15, 2017, District filed a Request for Due Process Hearing in OAH case number 2017020699 (District's Case), naming Parent on behalf of Student. District concurrently filed a motion to consolidate District's case with Student's Case. On February 21, 2017, Student filed an opposition to District's motion to consolidate.

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 District's occupational therapy assessment in the fall of 2016 was appropriate. District's complaint also raises an issue as to the adequacy of its November 16, 2016/January 11, 2017 IEP offered a FAPE. Consolidation furthers the interests of judicial economy because the two complaints address the same assessment, and will involve the same witnesses, documents and facts. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2017020699 (District's Case) are vacated.
3. The consolidated matters shall be heard on the dates set in OAH Case Number 2017020602 (Student's Case), unless otherwise ordered.
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 2017020602 (Student's Case.)

DATE: February 23, 2017

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Adrienne L. Krikorian
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ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings