BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. FOUNTAIN VALLEY SCHOOL DISTRICT,	OAH Case No. 2017110243
FOUNTAIN VALLEY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017120743 ORDER GRANTING MOTION TO CONSOLIDATE

On November 3, 2017, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case No. 2017110243 (Student's case), naming Fountain Valley School District.

On December 19, 2017, District filed a Request for Due Process Hearing in OAH Case No. 2017112743 (District's case), naming Student.

On December 20, 2017 the parties filed a Joint Motion to Consolidate District's case with Student's case and to maintain the due process hearing date set in Case No.2017110243 (Student's case).

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 common questions of law and fact, specifically, the appropriateness of the June 16, 2017 individualized education program. The parties have jointly filed the request to consolidate. In addition, consolidation furthers

the interests of judicial economy because both cases involve the same witnesses and exhibits. Accordingly, consolidation is granted.

ORDER

1. The Joint Motion to Consolidate is granted.

2. All dates previously set in OAH Case No 2017120743 (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 No. 2017110243 (Student's case).

IT IS SO ORDERED.

DATE: December 22, 2017

DocuSigned by:
Judith Pasewark
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JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings