BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

ALTA LOMA ELEMENTARY SCHOOL DISTRICT,

OAH CASE NUMBER 2019120223

and

ALTA LOMA SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2019090362

ORDER GRANTING MOTION TO CONSOLIDATE

On September 10, 2019, Alta Loma School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2019090362, First Case, naming Student. The Office of Administrative Hearings is

referred to as OAH. On September 26, 2019, OAH granted the parties' joint continuance request, setting the hearing to begin on December 17, 2019. The parties participated in mediation on October 22, 2019.

On December 4, 2019, Student filed a Request for Due Process Hearing in OAH case number 2019120223, Second Case, naming Alta Loma.

On December 6, 2019, Student filed a Motion to Consolidate First Case with Second Case.

On December 10, 2019, Alta Loma filed an objection to consolidation on the ground that Loma's case had been pending for almost three months when Student filed his case, which concerns the same individualized education program as Alta Loma put at issue. Alta Loma believes Student requires a change of placement to receive a free appropriate public education and delaying the hearing on Alta Loma's case maintains Student in what Alta Loma asserts is an inappropriate placement for even longer than he has already been maintained in the inappropriate placement pursuant to Student's right to remain in his last agreed upon and implemented individualized education program during the pendency of the dispute.

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, First Case and Second Case involve a common question of law or fact, specifically, whether the May 17 and August 6, 2019 individualized education program offered Student a free appropriate public education. Because the same witnesses and documentary evidence will be necessary in both cases, consolidation of the matters furthers the interests of judicial economy by saving time and preventing inconsistent rulings. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Second Case is designated as the primary case. All dates previously set in First Case, OAH case number 2019090362, 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 Primary Case, OAH case number 2019120223. Any request for continuance must establish good cause by way of declaration as OAH previously continued this matter.

IT IS SO ORDERED.

DATED: December 11, 2019

DocuSigned by:
Kara Hatfield
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Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings