BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. WHITTIER UNION HIGH SCHOOL DISTRICT ,	OAH Case No. 2018040740
WHITTIER UNION HIGH SCHOOL DISTRICT , v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018021056 ORDER GRANTING MOTION TO CONSOLIDATE

On February 27, 2018, Whittier Union High School District filed a Request for Due Process Hearing with the Office of Administrative Hearings, naming Student. OAH designated District's case as OAH case number 2018021056.

On April 17, 2018, Student filed a Request for Due Process Hearing with OAH, naming Whittier Union High School District. OAH designated Student's case as OAH case number 2018040740.

On April 26, 2018, Student filed a Motion to Consolidate Student's Case with District's Case. On April 30, 2018, a telephonic prehearing conference was held in District's Case. Parents appeared on behalf of Student. Darin Barber, Attorney at Law, appeared on behalf of District. During the PHC, District orally objected to Student's Motion to Consolidate on the grounds District has an interest in moving forward with its case to obtain a speedy resolution and to avoid potential witness unavailability during the summer.

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].)

District's Case involves a single issue of whether District's November 2017 speech and language assessment was appropriate, such that Student is not entitled to an independent educational evaluation at public expense. Student's Case involves four issues, including whether District should fund or reimburse Parents for private oral placement/speech and language therapy, occupational therapy, and alternative augmentative communication services. Both cases involve the same parties and are likely to involve common questions of law and/or fact with respect to the speech and language assessment and services offered as a result of the assessment. Both cases are also likely to involve some of the same evidentiary documents and witnesses. Therefore, consolidation furthers the interests of judicial economy and efficiency in that the parties' issues can be resolved in one due process hearing. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in District's Case OAH case number 2018021056 are vacated. The case shall move forward on the hearing dates in the Scheduling Order OAH issued in Student's Case on April 24, 2018.
3. Student's Case OAH case number 2018040740 shall be the primary case in the consolidated matters. All future documents shall be filed in Student's Case.
4. The 45-day timeline for issuance of the decision in the consolidated matters shall be based on the date of the filing of the complaint in Student's Case OAH case number 2018040740.

DATE: April 30, 2018

DocuSigned by:
Tara Doss
0D223C0D8032412...

TARA DOSS
Administrative Law Judge
Office of Administrative Hearings