BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

# IN THE CONSOLIDATED MATTERS OF:

# PARENT ON BEHALF OF STUDENT,

v.

# WHITTIER CITY SCHOOL DISTRICT,

# OAH CASE NUMBER 2019120291

and

# WHITTIER CITY SCHOOL DISTRICT,

v.

# PARENT ON BEHALF OF STUDENT,

# OAH CASE NUMBER 2020010261

## ORDER GRANTING MOTION TO CONSOLIDATE

On December 6, 2019, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2019120291, First Case, naming Whittier City School District.

On January 9, 2020, Whittier filed a Request for Due Process Hearing in OAH case number 2020120261, Second Case, naming Student.

On January 16, 2020, Whittier filed a Motion to Consolidate First Case with Second Case.

On January 22, 2020, Student filed a response agreeing to consolidation based upon a common set of law and facts in both cases. In the response, Student also objected to consolidation for reasons not relevant to the instant motion.

## 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, both cases involve the appropriateness of Whittier's 2019 reassessments of Student. Student's case disputes the appropriateness of the assessments and the individualized education program developed as a result of the assessments. Student does not oppose the motion on substantive grounds and agrees that consolidation furthers the interests of judicial economy in that the same witnesses would be required in both hearings. Accordingly, consolidation is granted.

ORDER

1. Whittier's Motion to Consolidate is granted.
2. First Case is designated as the primary case. All dates previously set in Second Case, OAH case number 2020010261, are vacated.
3. The consolidated matter shall proceed on the dates set in First Case, as follows and unless otherwise ordered:

   Mediation Requests, Prehearing Conference Motions, and Prehearing Conference Statements: Due three business days prior to PHC.

   Prehearing Conference: April 27, 2020, at 10:00 AM.

   Due Process Hearing: May 12, 13, and 14, 2020. The hearing shall begin at 9:30 AM the first day of hearing and at 9:00 AM on all other days, 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 First Case, OAH case number 2019120291.

IT IS SO ORDERED.

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DATED: January 23, 2020

Cole Dalton
Administrative Law Judge
Office of Administrative Hearings