BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. ANTIOCH UNIFIED SCHOOL DISTRICT,	OAH Case No. 2019030244
ANTIOCH UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2019020769 ORDER GRANTING MOTION TO CONSOLIDATE

On February 20, 2019, Antioch filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2019020769 (District's Case), naming Student.

On March 6, 2019, Student filed a Request for Due Process Hearing in OAH case number 2019030244 (Student's Case), naming Antioch.

On March 7, Student filed a Motion to Consolidate Student's Case with District's Case.

On March 7, 2019, Antioch filed a non-opposition to consolidation.

APPLICABLE LAW

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 the same parties and a common question of law or fact, specifically, whether Antioch's offer of Student's placement in the

district's transition kindergarten, memorialized in Antioch's December 21, 2018 prior written notice and offered at Student's January 9, 2019, IEP team meeting, offered Student a free appropriate public education. Antioch does not oppose the motion. Consolidation of these matters furthers the interests of judicial economy and prevents inconsistent rulings. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2019020769, 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 Number 2019030244, Student's Case.

IT IS SO ORDERED.

DATE: March 8, 2019

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Rita Defilippis
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RITA DEFILIPPIS
Administrative Law Judge
Office of Administrative Hearings