BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Consolidated Matters of:<br><br>PARENT ON BEHALF OF STUDENT,<br><br>v.<br><br>ALTA LOMA SCHOOL DISTRICT, | OAH Case No. 2017120979 |
| ALTA LOMA SCHOOL DISTRICT,<br><br>v.<br><br>PARENT ON BEHALF OF STUDENT. | OAH Case No. 2017120261<br><br>ORDER FOLLOWING PREHEARING CONFERENCE AND GRANTING MOTION TO CONSOLIDATE |

On December 5, 2017, District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2017120261 (District's Case), naming Student.

On December 26, 2017, Student filed a Request for Due Process Hearing in OAH case number 2017120979 (Student's Case), naming Alta Loma School District.

On December 28, 2017, Student filed a Motion to Consolidate District's Case with Student's Case. District filed a non-opposition to Student's Motion to Consolidate on December 28, 2017.

On Friday, December 29, 2017, a telephonic prehearing conference was held before Administrative Law Judge (ALJ) Ted Mann. Maryam Rastegar, Attorney at Law, appeared on behalf of District. Student's mother appeared on behalf of Student. The parties jointly requested a consolidation of District's Case with Student's Case. The PHC was recorded.

*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, District's Case and Student's Case involve common questions of law or fact, specifically, District's denial of the cost of Student's independent educational evaluation and whether that denial constitutes a denial of a free appropriate public education to Student. In addition, consolidation furthers the interests of judicial economy because many witnesses and exhibits will be common to both cases. District does not oppose the motion. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2017120261 (District's Case) are vacated. All subpoenas previously issued in District's case are quashed. The consolidated cases shall proceed using the dates previously noticed for Student's case and thus the Prehearing Conference in the consolidated cases shall be held on Monday, February 12, 2018, at 10:00 a.m., and the Due Process Hearing in the consolidated cases shall be held beginning on Tuesday, February 20, 2018, at 1:30 p.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
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 2017120979 (Student's Case), which is designated the primary case.

IT IS SO ORDERED.

DATE: January 2, 2018

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Ted Mann
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TED MANN
Administrative Law Judge
Office of Administrative Hearings