BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: CORONA-NORCO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2018100204
PARENT ON BEHALF OF STUDENT, v. CORONA-NORCO UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018080816 PREHEARING CONFERENCE ORDER GRANTING DISTRICT'S MOTION TO CONSOLIDATE AND GRANTING DISTRICT'S MOTION TO CONTINUE

On August 21, 2018, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2018080816 (Student's Case), naming Corona-Norco Unified School District.

On October 3, 2018, Corona-Norco filed a Request for Due Process Hearing in OAH case number 2018100204 (District's Case), naming Student.

On October 3, 2018, Corona-Norco filed a Motion to Consolidate Student's Case with District's Case and to continue the due process hearing date set in Case Number 2018100204 (District's Case).

On Monday, October 8, 2018, a telephonic prehearing conference was held before Administrative Law Judge Ted Mann, Office of Administrative Hearings. Melinda E. Gonzalez, Attorney at Law, appeared on behalf of Student. Summer Dalessandro, Attorney at Law, appeared on behalf of Corona-Norco. The PHC was recorded.

Based upon discussion with the parties, and good cause appearing, the ALJ issues the following order:

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 a common question of law or fact, specifically, the legal sufficiency of District's August/September educational evaluations of Student and whether Student is entitled to publically-funded independent educational evaluations. In addition, consolidation furthers the interests of judicial economy because the two cases involve many of the same witnesses and exhibits. Student's general objection to consolidation does not outweigh the foregoing considerations. Accordingly, for the reasons set forth on the record, consolidation is granted. District's case is designated the primary case.

Continuance

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

Corona-Norco's motion to continue the hearing demonstrates good cause for a continuance, based on the parties' expressed interest in pursuing mediation and the parties' agreement to dates for the PHC and hearing in the consolidated matters. Accordingly, the requested continuance is granted.

ORDER

1. Corona-Norco's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2018080816 (Student's Case) are vacated.
3. Corona-Norco's Motion to Continue is granted and all dates previously set in OAH Case Number 2018100204 (District's Case) are vacated. The continued Prehearing Conference in the consolidated cases shall be held on Monday, November 19, 2018, at 10 a.m., and the continued Due Process Hearing in the consolidated cases shall be held on Tuesday, November 27, 2018 through Thursday, November 29, 2018 at 9:30 a.m. on the first day, and 9:00 a.m. on the

following days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

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 OAH Case Number 2018100204 (District's Case).

IT IS SO ORDERED.

DATE: October 08, 2018

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Ted Mann
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TED MANN
Administrative Law Judge
Office of Administrative Hearings