

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  ALHAMBRA UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2014100512
ALHAMBRA UNIFIED SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2014090795  ORDER FOLLOWING PREHEARING CONFERENCE AND CONSOLIDATING MATTERS AND CONTINUING PREHEARING CONFERENCE AND DUE PROCESS HEARING DATES

On October 13, 2014, a telephonic prehearing conference was held in the case of *Alhambra Unified School District v. Parent on Behalf of Student*, OAH Case No. 2014090795, before Administrative Law Judge Elsa H. Jones. Cole Dalton, Attorney at Law, appeared on behalf of District. Carolyn Olson, Attorney at Law, appeared on behalf of Parents and Student (collectively, Student.) The PHC was recorded.

Based on discussion with the parties, the ALJ issues the following Order:

1. Consolidation. On September 22, 2014, District filed its request for due process hearing in OAH Case No. 2014090795 (First Case), naming Student. On October 10, 2014, Student filed a request for due process hearing (OAH Case No. 2014100512 ) (Second Case), naming District. On October 13, 2014, the parties entered into a written stipulation to consolidate the cases and to continue the consolidated matters.

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 and the same parties, 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].)

In these matters, the First Case and the Second Case involve common questions of law and fact, specifically whether the District's psychoeducational assessment of Student was appropriate, and whether the Student's August 26, 2014 individualized education program offered Student a FAPE. In the First Case, District seeks findings that its psychoeducational assessment was appropriate such that Student is not entitled to an independent psychoeducational evaluation, and that the IEP of August 26, 2014, offered Student a FAPE. In the Second Case, Student contends that the District's psychoeducational assessment was not appropriate, that he is entitled to an independent psychoeducational evaluation, and that the IEP of August 26, 2014, did not offer Student a FAPE. Accordingly, the parties' request to consolidate is granted, and the matters are consolidated.

2. PHC and Due Process Hearing Dates. The consolidated matters are continued, and all dates currently set in both cases are vacated. The PHC and due process hearing dates for the consolidated matters are set as follows:

Telephonic PHC: January 5, 2015, at 3:00 p.m. OAH will initiate the conference call.

Due Process Hearing: January 12-15, 2015, and continuing day to day thereafter, Monday through Thursday as needed, at the discretion of the ALJ. Unless otherwise ordered, the hearing will commence at 1:30 p.m. on January 12, and at 9:00 a.m. on all other days.

3. Mediation. The parties have expressed a desire to engage in mediation. When they select an appropriate mediation date, they may notify OAH to schedule a mediation.

4. Decision Timeline. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the filing date in OAH Case No 2014100512 (Second Case).

5. Settlement. The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

IF A FULL AND FINAL WRITTEN SETTLEMENT AGREEMENT IS REACHED AFTER 5:00 P.M. THE DAY PRIOR TO HEARING, THE PARTIES SHALL LEAVE A VOICEMAIL MESSAGE REGARDING THE SETTLEMENT AT (916) 274-6035. THE PARTIES SHOULD ALSO LEAVE CONTACT INFORMATION SUCH AS CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. THE PARTIES SHOULD SIMULTANEOUSLY FAX THE SIGNATURE PAGE OF THE

SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO OAH AT THE  
FAXINATION LINE at 916-376-6319.

IT IS SO ORDERED.

DATE: October 15, 2014

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ELSA H. JONES  
Administrative Law Judge  
Office of Administrative Hearings