BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: TRAVIS UNIFIED SCHOOL DISTRICT , v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016080598
PARENT ON BEHALF OF STUDENT, v. TRAVIS UNIFIED SCHOOL DISTRICT .	OAH Case No. 2016071059 ORDER GRANTING STIPULATED MOTION TO CONSOLIDATE AND MOTION TO CONTINUE

On July 13, 2016, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case Number 2016071059 (Student's Case), naming Travis Unified School District.

On August 16, 2016, District filed a Request for Due Process Hearing in OAH Case Number 2016080598 (District's Case), naming Student.

On August 19, 2016, District filed a Stipulated Motion to Consolidate District's Case with Student's Case and to continue the due process hearing date to mutually agreed upon dates. Student stipulates to the consolidation of cases and proposed continuance dates

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, Student's Case and District's Case involve a common question of law or fact, specifically, regarding the January 14, 2016 individualized education program (and as

amended on May 17, 2016). Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases involve the same witnesses and documentary evidence. Accordingly, consolidation is granted.

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).)

The stipulated motion to continue the hearing demonstrates good cause for a continuance, based on the need to complete mediation and the agreement of the parties. This is the first continuance for each party.

ORDER

1. The Stipulated Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2016080598 (District's Case) and OAH Case Number 2016071059 (Student's Case) are vacated.
3. The Stipulated Motion to Continue is granted. The Mediation in the above-captioned case shall be held on August 31, 2016 at 9:30 a.m. The telephonic Prehearing Conference in the consolidated cases shall be held on October 3, 2016, at 3:00 p.m. OAH shall initiate the telephone call. The Due Process Hearing in the consolidated cases shall be held on October 25 through 27, 2016, at 9:30 a.m. on the first day, 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 2016080598 (District's Case).

DATE: August 22, 2016

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Judith Pasewark
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JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings