BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. YUBA CITY UNIFIED SCHOOL DISTRICT AND SUTTER COUNTY SUPERINTENDENT OF SCHOOLS	OAH CASE NO. 2013120207
YUBA CITY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013110182 ORDER GRANTING MOTION TO CONSOLIDATE AND CONTINUING MATTERS

On October 30, 2013, the Yuba City Unified School District (District) filed a Request for Due Process Hearing with the Office of Administrative Hearings (OAH) in OAH Case Number 2013110182 (First Case), naming Student.

On December 2, 2013, Student filed a Request for Due Process Hearing in OAH Case Number 2013120207 (Second Case), naming District and the Sutter County Superintendent of Schools.

Both Student and the District filed motions to consolidate in their respective cases. The Sutter County Superintendent of Schools filed a notice of non-opposition to the motion to consolidate. At mediation, the parties agreed to continue the hearing dates in First case to February 3-5, 2014. Parties ask that the consolidated matters proceed on the hearing dates agreed to in First case.

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, the First Case and Second Case involve a common question of law or fact, specifically, whether the IEP from August 19, 2013 offers Student a free appropriate public education and whether the District's offer of nursing services is appropriate. The parties all join in the consolidation request. In addition, consolidation furthers the interests of judicial economy because of the commonality of legal and factual issues, plus documentary evidence and witnesses. Accordingly, consolidation is granted.

Continuance

Student's case, the Second Case, OAH Case Number 2013120207, is deemed the lead case in this consolidated matter. The 45-day timeline for issuance of a written decision shall be controlled by the Second Case. The Second Case is currently set for hearing on January 28, 2014. The parties have requested that this consolidated matter be heard on February 3 through 5, 2014, and continuing day to day at the discretion of the presiding Administrative Law Judge (ALJ). The request in effect asks for a continuance of the dates in the Second Case. The continuance is granted.

ORDER

1. The Motion to Consolidate is granted.
2. 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 2013120207 (Second Case).
3. The dates currently set in the Second Case are continued. The prehearing conference in this matter shall be held on January 24, 2014, at 1:00 p.m. The due process hearing in this matter shall be held on February 3, 2014, starting at 1:30 p.m., through February 5, 2014, and continuing day to day at the discretion of the presiding ALJ.

Dated: December 19, 2013

/s/
MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings