BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

MURRIETA VALLEY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2025051034

OAH CASE NUMBER 2025050648

ORDER GRANTING MURRIETA VALLEY'S MOTION TO CONSOLIDATE AND MOTION TO CONTINUE

JUNE 2, 2025

On May 14, 2025, Murrieta Valley Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2025050648, District's Case, naming Student.

On May 27, 2025, Student filed a Request for Due Process Hearing in OAH case number 20251034, Student's Case, naming Murrieta Valley.

On May 29, 2025, Murrieta Valley filed a Motion to Consolidate the cases. The motion was not timely filed three days prior to the prehearing conference. However,

good cause for the late filing was found in the fact that Student's case was filed on May 27, 2025 and Murrieta Valley promptly filed its motion to consolidate on May 29, 2025, after notice of Student's case.

On June 2, 2025, Student filed an objection to consolidation on the ground that the issues in the two cases were not identical, and that Student would be disadvantaged by the consolidation of the cases.

On June 2, 2025, Administrative Law Judge Ted Mann, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Student's father appeared on behalf of Student. Student's mother also appeared on behalf of Student. Attorney Cynthia Vargas appeared on behalf of Murrieta Valley Unified School District. The PHC was recorded. Oral argument was held at the PHC regarding Murrieta Valley's motion to consolidate. Based upon discussion with the parties, the ALJ issues the following order:

CONSOLIDATION

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, 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, both cases involve a common question of law or fact, specifically, the legal sufficiency of Murrieta Valley's Related Services Independence Assistance assessment, called an RSIA assessment. Student opposed consolidation because Student contends their issues extend beyond the legal sufficiency of the RSIA assessment. Student believes that Student's complaint is fundamentally different because it addresses other issues beyond Student's potential need for a dedicated one-to-one aide. However, the significant overlap in issues strongly supports consolidation in this case due to the common questions of law and fact.

In addition, consolidation furthers the interests of judicial economy because many of the witnesses and a significant portion of other evidence will be common to both cases, promoting judicial economy and efficiency. Student asserts that multiple issues at hearing will cause confusion and hinder Student's hearing strategy and tactics. However, the mere fact that different issues are addressed in a consolidated hearing does not support the argument multiple issues will cause undue confusion and hinder Student's ability to implement a proper legal strategy. Consolidated cases are heard regularly by OAH. Additionally, having multiple hearings with overlapping issues, testimony and exhibits risks confusion and inconsistent outcomes between hearings. Accordingly, consolidation is granted.

CONTINUANCE

At the PHC, it was disclosed that an essential witness, the RSIA assessor and report writer, for both Student and Murrieta Valey would be unavailable, due to a prearranged and prepaid vacation, on the dates scheduled for the consolidated cases. Murrietta Valley sought a brief two week continuance. Student opposed the short continuance on the grounds that the witness would be available for hearing in Murrieta

Valley's unconsolidated case and that Murietta Valley's case should proceed without consolidation on dates previously scheduled in that case.

A due process hearing must be conducted, and a decision rendered, within 45 days of receipt of the due process notice, unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).)

Murrietta Valley's motion to continue the hearing demonstrates good cause for a continuance based on the unavailability of an essential witness on the original hearing dates scheduled in Student's case. Student's opposition failed to overcome the good cause demonstrated by Murrieta Valley. As such, Murrietta Valley's request for a two-week continuance is granted for good cause.

ORDER

1. Murrietta Valley's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Murrieta Valley's Case, OAH case number 2025050648, are vacated.
3. Murrietta Valley's Motion to Continue is granted. The Prehearing Conference in the consolidated cases shall be held on Friday, July 18, 2025, at 1:00 PM, and the Due Process Hearing in the consolidated cases shall be held on July 29, 2025 through July 31, 2025, beginning at 9:30 AM on all days, continuing day to day 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 the Primary Case, OAH case number 2025051034.

IT IS SO ORDERED.

Ted Mann

Ted Mann

Administrative Law Judge

Office of Administrative Hearings