BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. BASSETT UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016060145
BASSETT UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016080019 ORDER GRANTING MOTION TO CONSOLIDATE AND RESETTING HEARING DATES

On May 31, 2016, Parent on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case Number 2016060145, naming Bassett Unified School District (Student's Case).

On July 28, 2016, District filed a Request for Due Process Hearing in OAH Case Number 2016080019, naming Student (District's Case).

Also on July 28, 2016, District filed a Motion to Consolidate District's Case with Student's Case, and to schedule the hearing dates for the consolidated cases to coincide with hearing dates set for Student's Case. Student did not submit an opposition.

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, both cases raise issues involving the appropriateness of District's offer of placement and services during the 2015-2016 school year. Consolidation furthers the interests of judicial economy because each case involves similar witnesses and documentary evidence. Accordingly, consolidation is granted.

Hearing Dates

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).)

On June 28, 2016, OAH granted the parties' joint request to continue Student's case. District requests that the prehearing conference and the due process hearing dates in the consolidated cases be reset to the dates scheduled in Student's case. The request is granted. The consolidated cases shall be set for hearing in accordance with OAH's Order Granting Parties' Joint request for Continuance, dated June 28, 2016, issued in Student's case.

ORDER

1. District's Motion to Consolidate and reset hearing dates is granted.

2. The hearing dates previously set in OAH Case Number 2016080019 (District's Case) are vacated. The mediation set for District's case shall proceed as scheduled, unless otherwise ordered.

3. The prehearing conference and due process hearing shall take place in the consolidated matters in accordance with the Order Granting Parties' Joint Request for Continuance, dated June 28, 2016, issued in Case Number 2016060145 (Student's Case).

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 Case Number 2016060145 (Student's Case), as continued in the Order Granting Parties' Joint Request for Continuance, dated June 28, 2016 .

DATE: August 9, 2016

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Paul H. Kamoroff
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PAUL H. KAMOROFF
Administrative Law Judge