BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
RIVER SPRINGS CHARTER SCHOOL v.	OAH Case No. 2015120807
PARENT ON BEHALF OF STUDENT.	ORDER FOLLOWING PREHEARING CONFERENCE AND GRANTING MOTION TO CONSOLIDATE

On January 8, 2016, a telephonic prehearing conference was held before Administrative Law Judge Laurie Gorsline, Office of Administrative Hearings. Deborah Cesario, Attorney at Law, appeared on behalf of River Springs Charter School (hereafter, District). Phillip VanAllsburg, Attorney at Law, appeared on behalf of Student. The PHC was recorded.

Based upon discussion with the parties, the ALJ issues the following order:

1. Joint Motion to Consolidate. On December 22, 2015, District filed a Request for Due Process Hearing in OAH case number 2015120807 (District Case), naming Student. On December 28, 2015, Student filed an Amended Due Process Complaint in OAH case number 2015110494 (Student's Case), naming District. On January 7, 2015, the parties filed a Joint Stipulation to Consolidate District's case with Student's Case, which is construed as a Joint Motion to Consolidate.

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 common questions of law or fact, specifically, whether the November 2015 individualized education program offered Student a free appropriate public education and whether Student is entitled to an independent educational evaluation.

Accordingly, the Joint Motion to Consolidate is granted. Student's case, OAH Case Number 2015110494, is designated as the primary case.

All dates previously set in District's case, OAH Case Number 2015120807 are vacated.

The dates for mediation, the prehearing conference, and the due process hearing in the consolidated cases shall be those set forth in the Scheduling Order dated December 28, 2015 in Student's case, OAH case number 2015110494. Student's request to set this matter for seven specific hearing dates is denied without prejudice. The parties may address the issues pertaining to the hearing dates at the Prehearing Conference on February 12, 2016.

The timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the amended complaint in Student's case, OAH Case Number 2015110494.

2. 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 THE OAH AT THE FAXINATION LINE at 916-376-6319.**

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages the evening prior to the hearing or the morning of the hearing.

ORDER

1. The Joint Motion to Consolidate is granted.

2. Student's case, OAH Case Number 2015110494, is designated as the primary case.

3. All dates previously set in District's case, OAH Case Number 2015120807 are vacated.

4. The timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the amended complaint in Student's case, OAH Case Number 2015110494.

5. The dates for mediation, the prehearing conference, and the due process hearing in the consolidated cases shall be those set forth in Student's case, OAH case number 2015110494. Student's request to set this matter for seven specific hearing dates is denied without prejudice. The parties may address the issues pertaining to the hearing dates at the Prehearing Conference on the consolidated cases.

DATE: January 8, 2016

/S/

LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings