BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: BONSALL UNIFIED SCHOOL DISTRICT , v. PARENTS ON BEHALF OF STUDENT,	OAH Case No. 2016080681
PARENTS ON BEHALF OF STUDENT , v. BONSALL UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016070664 ORDER GRANTING MOTION TO CONSOLIDATE; GRANTING MOTION TO CONTINUE AND SETTING MEDIATION, PREHEARING CONFERENCE AND DUE PROCESS HEARING DATES

On July 6, 2016, Parents on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016070664 (Student's Case), naming Bonsall Unified School District.

On August 15, 2016, District filed a Request for Due Process Hearing in OAH case number 2016080681 (District's Case), naming Student.

On August 18, 2016, the parties filed a joint Motion to Consolidate Student's Case with District's Case, and to continue the hearing 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, each cases raises the issue of whether District offered Student a free appropriate public education, in the least restrictive environment, pursuant to individualized education programs offered in May and June 2016. 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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is granted.

ORDER

1. District and Student's joint Motion to Consolidate is granted.
2. District and Student's joint Motion to Continue is granted.
3. All dates previously set in OAH case number 2016070664 (Student's Case) and in OAH case number 2016080681 (District's Case) are vacated.
4. The Mediation in the consolidated cases shall be held on September 14, 2016, at 9:30 a.m. The Prehearing Conference in the consolidated cases shall be held on October 10, 2016, at 1:00 p.m. The Due Process Hearing in the consolidated cases shall be held on October 25, 26, and 27, 2016, and continue day by day thereafter, Monday through Thursday, at the discretion of the Administrative Law Judge. The hearing shall begin at 9:30 a.m. on the first day, and at 9:00 a.m. on each subsequent day, unless otherwise ordered.
5. 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 2016080681 (District's Case).

DATE: August 19, 2016

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Paul H. Kamoroff
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PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings