BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. BREA OLINDA UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013031109
BREA OLINDA UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH CASE NO. 2013040207 ORDER GRANTING MOTION TO CONSOLIDATE AND CONTINUE NON-EXPEDITED PORTION OF CASE

On March 27, 2013, Student's parents on behalf of Student (Student) filed a request for due process hearing in Office of Administrative Hearings (OAH) case number 2013031109 (First Case), naming the Brea Olinda Unified School District (District). Student's case had both expedited and non-expedited issues.

On April 3, 2013, the District filed a request for due process hearing in OAH case number 2013040207 (Second Case), naming Student.

On April 19, 2013, the parties filed a joint stipulation requesting that the non-expedited portion of the First Case be consolidated for hearing with the Second Case and requesting that the non-expedited hearing dates in the First Case and the dates in the Second Case be continued. The parties included dates which were agreeable to both parties for the continued hearing.

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 Second Case and the non-expedited portion of First Case involve common questions of law or fact regarding the appropriateness of the District's assessments. Consolidation will further the interests of judicial economy, provide convenience to witnesses, and prevent inconsistent rulings. Accordingly, consolidation is granted.

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).)

The parties request to continue the non-expedited hearing demonstrates good cause for a continuance. The non-expedited portion of this consolidated case is continued to the dates requested by the parties in their stipulation.

ORDER

1. The parties' joint motion to consolidate is granted. The Second Case is hereby consolidated with the non-expedited portion of the First Case.
2. All dates previously set in the Second Case and all non-expedited dates previously set in the First Case are vacated. The expedited dates will remain on calendar as currently set.
3. The motion to continue the non-expedited portion of the consolidated cases is granted. The matter shall be set as follows:

   Hearing: June 18, 19, and 20, 2013, at 9:30 a.m.

   Telephonic PHC: June 5, 2013, at 10:00 a.m.[1]

   Mediation: May 14, 2013, at 9:30 a.m.

4. The 45-day timeline for issuance of the decision in the non-expedited portion of the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2013031109 [First Case].

Dated: April 22, 2013

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings

[1] The parties requested a PHC on Thursday, June 6, 2013. However, OAH does not conduct PHC's that day, so the date for the PHC was moved to June 5, 2013.