BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: CLOVIS UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2014010199 ORDER DENYING DISTRICT'S MOTION TO BIFURCATE

On January 7, 2014, District filed a complaint for due process and a separate motion to bifurcate. The complaint contained two issues: 1) whether Student was eligible for special education services in the 2013-2014 school year, and 2) if eligible, whether District offered Student a free appropriate public education (FAPE). The complaint alleged that Student turned 18 years old during the 2012-2013 school year, that she received a high school diploma or its equivalent, and that she is no longer eligible for special education services, despite her request for services and supports in or about August 2013. District's motion to bifurcate requests two separate hearings, one on the issue of eligibility, and one on the issue of FAPE. The motion was not supported by any authenticated evidence or a declaration under penalty of perjury establishing evidentiary basis for the assertions upon which it based its motion. OAH did not receive a response to the motion from Student.

Federal and state laws pertaining to special education due process administrative proceedings do not contain a specific reference to the procedure for bifurcating issues at trial. Such authority resides in the discretion of the administrative law judge, provided the separate hearings are conducive to judicial economy or efficient and expeditious use of judicial resources. (See Gov. Code, § 11507.3, subd. (b).)

Here, District could have, but did not, file separate complaints. Having chosen to allege the issues in a single complaint, bifurcating the issues and holding two separate hearings is not conducive to judicial economy or efficient and expeditious use of judicial resources. Accordingly, District's motion to bifurcate is denied.

IT IS SO ORDERED.

Dated: January 15, 2014

/s/
ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings