

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2014050208
v.	
DOWNEY UNIFIED SCHOOL DISTRICT,	
DOWNEY UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2014041256
v.	ORDER GRANTING MOTION TO CONSOLIDATE AND DENYING REQUEST FOR SPECIFIC HEARING DATES
PARENT ON BEHALF OF STUDENT.	

On April 28, 2014, the Downey Unified School District filed a Request for Due Process Hearing with the Office of Administrative Hearings in OAH case number 2014041256 (First Case), naming Student. This matter is scheduled for a Prehearing Conference for May 19, 2014, and Due Process Hearing for May 22, 2014.

On May 2, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014050208 (Second Case), naming District. This matter is scheduled for a Prehearing Conference for June 20, 2014, and Due Process Hearing for June 25, 2014.

On May 2, 2014, the parties filed a joint Motion to Consolidate the First Case with the Second Case and to set specific hearing dates, June 9 through 12 and 16 through 19, 2014.

APPLICABLE LAW AND DISCUSSION

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, the First Case and Second Case involve a common question of law or fact, specifically, the adequacy of the District's April 2014 individual education program. The parties all join in the consolidation request. In addition, consolidation furthers the interests of judicial economy because of the commonality of legal and factual issues, plus documentary evidence and witnesses. Accordingly, consolidation is granted.

Specific 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).)

The parties requested OAH set specific dates for hearing. The request is denied for similar reasons set forth in the April 30, 2014 Order Denying Consolidation in OAH Case number 2014041256, and because OAH cannot accommodate the parties on the dates requested.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case number 2014041256 (First Case) are vacated.
3. The parties' request for specific hearing dates is denied.
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 in OAH case number 2014050208 (Second Case). Those dates shall proceed as scheduled.

DATE: May 7, 2014

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings