

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2014071168
v.	
SAN MARCOS UNIFIED SCHOOL DISTRICT,	
SAN MARCOS UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2014070839
v.	
PARENTS ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On July 11, 2014, the San Marcos Unified School District (San Marcos) filed a request for a due process hearing in Office of Administrative Hearings case number 2014070839 (District Case), naming Student's parents on behalf of Student (Student).

On July 23, 2014, Student filed a request for a due process hearing in OAH case number 2014071168 (Student Case), naming San Marcos.

On July 29, 2014, the parties jointly filed a stipulation to consolidate the two cases and to continue the due process hearing date set in OAH case number 2014070839 (District Case).

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 District Case and the Student Case involve common questions of law or fact and the parties have stipulated to request consolidation. Consolidation furthers the interests

of judicial economy by avoiding multiple trials with the same witnesses. 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 made a joint motion to continue the hearing, prehearing conference and mediation dates in the District Case to the dates set in the Student Case. Good cause exists to grant that motion. The Student Case was only recently filed and the time period for holding a resolution session has not yet passed. A continuance of the dates in the District Case will help facilitate settlement of the consolidated cases.

ORDER

1. The parties' joint motion to consolidate is granted.
2. All dates previously set in OAH case number 2014070839 [District Case] are vacated and continued to the dates currently set in the Student Case, OAH case number 2014071168.
3. 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 2014071168 [Student Case].

DATE: July 31, 2014

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings