

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2014110065

v.

HEMET UNIFIED SCHOOL DISTRICT,

HEMET UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2014090716

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE AND GRANTING
MOTION TO CONTINUE

On September 19, 2014, Hemet Unified School District filed a Request for Due Process Hearing in OAH case number 2014090716 (First Case), naming Student.

On October 29, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014110065 (Second Case), naming Hemet Unified School District.

On November 17, 2014, Student and District jointly filed a Motion to Consolidate the First Case with the Second Case and to continue the Prehearing Conference and Due Process Hearing dates set in both Case Number 2014090716 and Case Number 2014110065.

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, whether District's latest IEP provides Student with a FAPE, the parties have joined in the request for consolidation, and consolidation of the matters furthers the interests

of judicial economy by saving time and preventing inconsistent rulings. 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).)

The parties' joint motion to continue the hearing demonstrates good cause for a continuance, based on the totality of circumstances herein. As such, the request for continuance is granted.

ORDER

1. Student's and District's joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014090716 and OAH Case Number 2014110065 are vacated with the exception of the December 3, 2014 mediation, which shall be the mediation for the consolidated matters. The mediation will be held from 9:30 a.m. to 4:30 p.m. at Hemet Unified School District, 1791 West Aracia Avenue, Hemet, CA, 92545.
3. The parties' joint Motion to Continue the Prehearing Conferences and the Due Process Hearings is granted. The Prehearing Conference in the consolidated cases shall be held on January 9, 2015, at 1:00 p.m., and the Due Process Hearing in the consolidated cases shall be held on January 20, 2015 through January 22, 2015 at 1:30 p.m. on the first day, and at 9:00 a.m. on all other days.
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 2014110065.

DATE: November 20, 2014

/s/

TED MANN
Administrative Law Judge
Office of Administrative Hearings