

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT,

OAH Case No . 2014100743

TORRANCE UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015010247

ORDER GRANTING MOTION TO
CONSOLIDATE AND GRANTING
MOTION TO CONTINUE

On October 17, 2014, District filed a Request for Due Process Hearing in OAH case number 2014100743 (First Case), naming Student. The First Case was continued on November 5, 2014, and scheduled for pre-hearing conference on January 16, 2015, and hearing beginning February 9, 2015.

On January 7, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015010247 (Second Case), naming District. The matter was scheduled for pre-hearing conference on February 23, 2015, and hearing beginning March 3, 2015.

On January 7, 2015, Student filed a Motion to Consolidate the First Case with the Second Case, and to continue the due process hearing dates set in the First Case.

On January 9, 2015, District filed a notice that it does not object to the motion.

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].)

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).)

Here, the First Case and Second Case involve a common question of law or fact, specifically, both cases concern the assessments, individualized education placement team meetings, and offers of placement and services made during the 2014-15 school year. Accordingly, consolidation is granted.

The motion to continue demonstrates good cause for a continuance, based on the availability of counsel, the desire to participate in mediation, and the statutory timelines to provide for a resolution session in the Second Case.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Motion to Continue is granted. All dates previously set in both the First Case and the Second Case, are vacated.
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 2015010247, the Second Case.
4. The Mediation in the above-captioned case shall be held on March 10, 2015, at 9:30 a.m., the Prehearing Conference in the consolidated cases shall be held on March 30, 2015, at 1:00 p.m, and the Due Process Hearing in the consolidated cases shall be held on April 7, 8, and 9, 2015, at 9:30 a.m. the first day and 9:00 a.m. each additional day.

DATE: January 12, 2015

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings