

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

CASTRO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015010726

ORDER DENYING MOTION TO
CONSOLIDATE WITHOUT
PREJUDICE; DENYING REQUEST
FOR CONTINUANCE WITHOUT
PREJUDICE

On January 20, 2015, Parents on behalf of Student (Student A) filed a request for due process hearing in Office of Administrative Hearings case number 2015010728 (First Case), naming the Castro Valley Unified School District.

Also on January 20, 2015, Parents on behalf of Student (Student B) filed a complaint in OAH case number 2015010726 (Second Case), naming District.

On January 28, 2015, Student A and Student B filed separate requests to consolidate the First Case and the Second Case, and for continuance in both cases. Neither of the requests include a proof of service showing that each request was served upon District. District has not filed any response to either request.

LAW, DISCUSSION AND ORDER

The party filing the complaint shall forward a copy of the complaint to the local educational agency or public agency serving the child at the same time the party files the complaint with the department, in accordance with Section 300.153(d) of title 34 of the Code of Federal Regulations. (Ed. Code §56500.2(a)(2)). Subsequent motions shall comply with the requirements of title 20 United States Code section 1415(b)(7)(A)(ii) and be served on all parties.

Here, Student A and Student B failed to serve District with a copy of their motions for consolidation and to continue the due process hearing. District therefore has not had notice of, or an opportunity to respond, to these motions. For these reasons, Student A and Student B's motions for consolidation and for continuance are denied without prejudice. Each Student may resubmit her motion(s) upon proper service to District.

IT IS SO ORDERED.

DATE: February 04, 2015

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings