

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2014100060
v.	
ANAHEIM UNION HIGH SCHOOL DISTRICT,	
ANAHEIM UNION HIGH SCHOOL DISTRICT,	OAH Case No. 2015020316
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING DISTRICT'S MOTION TO CONSOLIDATE AND MOTION TO CONTINUE

On October 1, 2014, Parent on behalf of Student filed a Request for Due Process Hearing in OAH case number 2014100060 (First Case), naming Anaheim Union High School District. The First Case has been once continued and is presently scheduled for hearing on March 9 through 12, 2015, with a prehearing conference of 10:00 AM, February 27, 2015.

On February 3, 2015, District filed a Request for Due Process Hearing in OAH case number 2015020316 (Second Case), naming Student. The Second Case is scheduled for mediation on February 18, 2015, a prehearing conference of February 20, 2015, and a hearing of February 26, 2015.

On February 6, 2015, District filed a Motion to Consolidate the First Case with the Second Case. District further moved that its prehearing conference and hearing dates be continued to those scheduled in the First Case. Student has not filed an opposition to District's motions.

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. In the First Case, Student contends that District failed to provide a free appropriate public education by failing to provide a safe educational environment and denying one-to-one aide support for Student. In the Second Case, District contends that it complied with Education Code section 56325 by offering an educational program that was comparable to that provided by Student's existing and approved program, as described in Student's January 9, 2014 triennial individualized education program. Further, District seeks a determination that it has no further special educational obligations to Student following his November 2014 enrollment in a public charter school. In presenting the issues raised by each complaint, the parties will be calling many of the same witnesses and relying on much of the same documentary evidence regarding the appropriateness and sufficiency of District's programs.

Since the two cases involve common questions of fact and law, and consolidation furthers the interests of judicial economy, the motion is granted.

District's Motion to Continue and Assigned Dates in Consolidated Matters

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).)

District requested that its prehearing conference and hearing dates be continued, stating that the First Case's prehearing conference and hearing dates would be acceptable. District has demonstrated good cause for the continuance and the request is granted. The Second Case's prehearing conference and hearing are continued to those scheduled in the First Case, and shall apply to these consolidated cases.

The Second Case's presently scheduled mediation date of February 18, 2015, will be maintained for these consolidated cases because both parties have confirmed their attendance.

ORDER

1. District's Motion to Consolidate is granted.
2. District's Motion to Continue the prehearing conference and hearing dates, set in OAH Case Number 2015020316 (Second Case), is granted for good cause.

3. The prehearing conference of 10:00 AM, February 27, 2015, and hearing dates of March 9 through 12, 2015, presently scheduled in OAH Case Number 2014100060 (First Case), shall apply to these consolidated cases.
4. The Second Case's presently scheduled mediation date of February 18, 2015, will apply to these consolidated cases.
5. 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 2014100060 (First Case).
6. All further pleadings in these consolidated cases shall be filed in the First Case.

DATE: February 12, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings