

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015020843 (Primary)
v.	
EASTSIDE UNION SCHOOL DISTRICT,	
EASTSIDE UNION SCHOOL DISTRICT,	OAH Case No. 2015010521 (Secondary)
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On January 15, 2015, Eastside Union School District filed a Request for Due Process Hearing in OAH case number 2015010521 (District's Case), naming Parent on Student's behalf. The Office of Administrative Hearings granted a joint request for continuance in District's Case on February 3, 2015, setting the first day of hearing for May 26, 2015.

On February 12, 2015, Parent on Student's behalf filed a Request for Due Process Hearing in OAH case number 2015020843 (Student's Case), naming District. On March 24, 2015, District filed a motion to consolidate District's Case with Student's Case and to continue the consolidated matters to the dates set in District's Case by OAH's February 3, 2015 Order. Student filed a response to District's motion stating that Student had no opposition to the motion.

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, District's Case and Student's Case involve a common question of law or fact. Specifically, both cases raise the issue of whether District appropriately assessed Student. Student's Case raises other issues relating to the educational program and services offered and provided by District. The common issues will likely involve the same witnesses and documentary evidence. Consolidation furthers the interest of judicial economy by hearing both matters at the same time. 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 have established good cause to continue the consolidated matters to the dates set in the February 3, 2015 OAH Order in District's Case, except for the starting time for the first day of hearing, which shall be modified by this Order. Accordingly, the request to continue is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015020843 (Student's Case) are vacated.
3. The parties' joint request to continue the consolidated matters is granted. The consolidated matters shall be scheduled as follows:
Pre-hearing Conference: May 18, 2015 at 10 a.m.
Due Process Hearing: May 26, 2015 at 1:30 p.m.,¹ May 27 and 28, 2015 at 9:00 a.m., and continuing day to day Monday through Thursday at the discretion of the Administrative Law Judge.
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 2015020843 (Student's Case).

DATE: March 26, 2015

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings

¹ Note that OAH starts hearings at 1:30 p.m. on the day after a holiday, unless otherwise ordered.