

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

SCOTTS VALLEY UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2015050885

SCOTTS VALLEY UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015070014

ORDER GRANTING MOTION TO
CONSOLIDATE AND CONTINUE

On May 7, 2015, Student filed a request for a due process hearing in Office of Administrative Hearings case number 2015050885 (Student's Case), naming Scotts Valley Unified School District as respondent. On June 5, 2015, OAH granted the parties' joint request to continue the hearing to August 17- 19, 2015.

On June 30, 2015, Scotts Valley filed a request for a due process hearing in OAH case number 2015070014 (Scotts Valley's Case), naming Student as respondent. The due process hearing in this case is currently set to begin on July 27, 2015.

On June 30, 2015, Scotts Valley filed a motion to consolidate its case with Student's case. Scotts Valley further requested that the dates previously set in its case be vacated and the consolidated matter be scheduled for the dates currently set in Student's case. This is considered a motion to continue. On July 1, 2015, Student filed a non-opposition to the motions.

APPLICABLE LAW AND DISCUSSION

Consolidation

No statute or regulation specifically provides a standard for deciding a motion to consolidate special education cases. OAH will generally consolidate matters that involve: common questions of law or fact; the same parties; and when consolidation 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, Student's case and Scotts Valley's case involve common questions of law and fact. Specifically, in addition to other allegations, both cases seek a determination of whether or not Scotts Valley offered Student a free appropriate public education during the 2014-2015 extended school year. In addition, consolidation furthers the interests of judicial economy because the cases will likely have many of the same witnesses and evidence and there is a possibility of inconsistent rulings if the matters are not consolidated. Accordingly, consolidation is granted.

Upon consolidation, OAH must determine the case that will be considered the primary case for the purpose of calculating the applicable timelines. Student's case, OAH Case No. 2015050885, will be considered the primary case.

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).)

Good cause has been established to continue the consolidated matter to the dates set in Student's case. The motion to continue is granted.

ORDER

1. Motion to Consolidate is granted.
2. Student's Case, OAH Case No. 2015050885 will be designated as the primary case for determining the applicable timelines.
3. The Motion to Continue is granted.

4. All dates currently set in Scotts Valley's case (20150700014) will be vacated and the matter will proceed on the dates set forth in OAH Case No. 2015050885.

DATE: July 9, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings