

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENTS ON BEHALF OF STUDENT,	OAH Case No. 2015110380
v.	
RAMONA UNIFIED SCHOOL DISTRICT,	
RAMONA UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015100934
v.	
PARENTS ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE AND DENYING MOTION TO CONTINUE AS MOOT

On October 27, 2015, Ramona Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015100934 (District's Case), naming Parents on behalf of Student.

On November 6, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015110380 (Student's Case), naming District.

On November 9, 2015, Student filed a Motion to Consolidate Student's Case with District's Case and to continue the due process hearing date set in Case Number 2015100934 (District's Case).

On November 10, 2015, District filed a statement of non-opposition to Student's 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, Student's Case and District's Case involve a common question of law or fact, specifically, the issue of the appropriateness of the District's initial assessment. District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases involve the same witnesses. 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).)

Student's request to have District's case to be continued is moot as Student's case is the primary case, which vacates the prehearing and hearing dates in District's case.

ORDER

1. Student's Motion to Consolidate is granted. Student's case shall be deemed the primary case.
2. All dates previously set in OAH Case Number 2015100934 [District's Case] are vacated.
3. Student's Motion to Continue is denied as moot.
4. The case shall proceed pursuant with the November 12, 2015 Scheduling Order in OAH Case Number 2015110380 as follows: Mediation on December 8, 2015; Prehearing Conference on December 21, 2015 at 10:00 a.m., and the Due Process Hearing shall be held on December 31, 2015 at 9:30 a.m. on the first day, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
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 2015110380 [Student's Case].

IT IS SO ORDERED.

DATE: November 13, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings