

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015110488 [Primary Case]
v.	
CARLSBAD UNIFIED SCHOOL DISTRICT,	
CARLSBAD UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015110268
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On November 6, 2015, Carlsbad Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015110268, naming Student.

On November 11, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015110488, naming District.

On November 11, 2015, Student filed a Motion to Consolidate District's case with Student's case.

On November 18, 2015, District filed a non-opposition to Student's Motion to Consolidate requesting that the consolidated cases proceed based on the timeline for Student's case.

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 common questions of law and fact, specifically, the interpretation, significance, and propriety of District's recent comprehensive assessments of Student. District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because common issues of law and fact predominate in the two cases. 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).)

Here, Student impliedly seeks a continuance of the District's case timeline to that of the Student filed case. Likewise, District requests that the cases be consolidated under the timeline for Student's case. Student's motion to continue the hearing demonstrates good cause for a continuance, based on efficiencies gained in the consolidation of the cases, and the adherence to the timeline for Student's case.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015110268 are vacated.
3. The parties' putative Motion to Continue is granted.
4. Student's case is designated as the Primary Case with the 45-day timeline for issuance of the decision in the consolidated cases based on the date of the filing of the complaint in OAH Case Number 2015110488.

5. Consistent with the Scheduling Order in Student's case, the Mediation is set for December 17, 2015 from 9:30 a.m. to 4:30 p.m. at Carlsbad Unified School District, 6225 El Camino Real, Carlsbad, California, 92009, the prehearing conference is set for December 28, 2015 at 10:00 a.m., and the due process hearing is set to begin on January 6, 2016 at 9:30 a.m. at District's offices, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: November 18, 2015

/s/

TED MANN
Administrative Law Judge
Office of Administrative Hearings