

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

MADERA UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2021120141

OAH CASE NUMBER 2021120710

ORDER GRANTING MOTION TO CONSOLIDATE,
ADVANCING HEARING DATE IN SECONDARY CASE, AND
ADVANCING EXPEDITED MEDIATION

DECEMBER 31, 2021

On December 3, 2021, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021120141, Student's Case, naming Madera Unified School District. Student's case contained both expedited and non-expedited issues.

On December 22, 2021, Madera Unified School District filed a Request for Due Process Hearing in OAH case number 2021120710, Madera's Case, naming Student. Madera's case only contained an expedited issue.

On December 27, 2021, Madera filed a Motion to Consolidate the cases.

Student did not file a response to the motion.

CONSOLIDATION

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, 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, both cases involve a common question of law or fact, specifically, what Student's conduct that violated school rules was, and whether it was or was not a manifestation of his disability. These questions impact Student's expedited issues of whether Madera incorrectly determined Student's conduct was not a manifestation of his disability and Madera's expedited issues of whether it may place Student at Mountain View Continuation School as an interim alternative educational setting without Parents' consent. Accordingly, consolidation is granted.

ADVANCING HEARING DATE AND MEDIATION IN MADERA'S CASE

A due process hearing of expedited claims must be conducted within 20 school days of the date the expedited due process hearing request was filed, and a

decision must be rendered within 10 school days after the hearing ends. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2).) Although Madera's Case was originally scheduled to be heard beginning on February 8, 2022, it may begin any time within 20 school days of the date it was filed. Because Student's Case and Madera's Case are being consolidated, the consolidated matter will be heard beginning on the date set in Student's Case, January 19, 2022. Although the parties mediated the expedited issues of Student's Case on December 16, 2021, they have not had the opportunity to mediate the expedited issue of Madera's Case. An expedited mediation in Madera's Case is currently scheduled to take place after the start of the due process hearing. Therefore, the expedited mediation for the claim in Madera's Case is advanced to January 6, 2022, 9:00 AM to 4:30 PM. If the parties are not available on that date, they may request another mutually agreeable date before the expedited due process hearing begins.

ORDER

1. Madera Unified School District's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Madera's Case, OAH case number 2021120710, are vacated.

3. Mediation in the above-captioned case shall be held on January 6, 2022, at 9:00 AM, the Expedited Prehearing Conference in the consolidated cases shall be held on January 10, 2022, at 1:00 PM, and the Due Process Hearing in the consolidated cases shall be held on January 19, 2022, beginning at 9:30 AM on all days, continuing day to day as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings