

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENTS ON BEHALF OF STUDENT,

and

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 202110583
OAH CASE NUMBER 2021120412

ORDER GRANTING STUDENT'S MOTION TO
CONSOLIDATE AND GRANTING MOTION TO CONTINUE
DUE PROCESS HEARING DATES

JANUARY 19, 2022

On November 19, 2021, Saddleback Valley Unified School District, referred to as Saddleback Valley, filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021110583, naming Parents on behalf of Student.

On December 1, 2021, the parties filed a Joint Request to Schedule Mediation and Continue Due Process Hearing. OAH issued an Order Granting Request for

Videoconference Mediation and Continuing Due Process Hearing on December 1, 2021. OAH scheduled the Prehearing Videoconference for March 11, 2022, at 10:00 am and the Due Process Hearing for March 22, 23 and 24, 2022. On January 18, 2022, Student cancelled the mediation scheduled for January 19, 2022.

On December 10, 2021, Parents on behalf of Student filed a Request for Due Process Hearing in OAH case number 2021120412 naming Saddleback Valley.

On January 14, 2022, Student filed a Motion to Consolidate the cases and to continue the due process hearing date set in Student's case to the dates previously set in Saddleback Valley's case number 2021110583.

On January 18, 2022, Saddleback Valley filed a Statement of Non-Opposition 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, whether Saddleback Valley's Functional Behavioral Analysis assessment and report and Special Circumstances Instructional Assistance evaluation and report conducted in March 2021, and revised in May 2021, were legally compliant. Saddleback Valley does not oppose

the motion. In addition, consolidation furthers the interests of judicial economy because the cases involve some of the same witnesses and documents and consolidation will save time and prevent inconsistent rulings. Accordingly, consolidation is granted.

CONTINUANCE

A due process hearing must be conducted, and a decision rendered, within 45 days of receipt of the due process notice, unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).)

Student requested the due process hearing dates be continued to the dates previously agreed upon by the parties in Saddleback Valley's case number 202110583. No prior continuances have been requested in Student's case number 2021120412. Accordingly, Student's motion to continue the due process hearing dates in Student's case to the dates previously agreed upon by the parties in Saddleback Valley's case number 2021110583 is granted for good cause. OAH will not continue this matter further for the parties to participate in mediation as they must reschedule the cancelled mediation so this consolidated matter may proceed as scheduled.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's case number 2021120412 is designated as the Primary Case
3. Student's Motion to Continue Primary Case is granted. The Prehearing Videoconference in the consolidated cases shall be held on March 11, 2022, at 10:00 am, and the Due Process Hearing by Videoconference in the

consolidated cases shall be held on March 22, 23 and 24, 2022, beginning at 9:30 am on all days, and continuing day to day as needed 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 Primary Case, OAH case number 2021120412.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings