

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

VALLEY CENTER-PAUMA UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2021120441

OAH CASE NUMBER 2022010039

ORDER GRANTING STUDENT'S MOTION TO
CONSOLIDATE AND ORDER GRANTING VALLEY-CENTER
PAUMA UNIFIED SCHOOL DISTRICT'S
MOTION TO CONTINUE DUE PROCESS HEARING DATES

JANUARY 10, 2022

On December 14, 2021, Valley-Center Pauma Unified School District, referred to as Valley-Center Pauma, filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case 2021120441, naming Parent on behalf of Student. On December 22, 2021, OAH granted the parties' request to continue Valley-Center Pauma's case.

On January 3, 2022, Parent on behalf of Student filed a Request for Due Process Hearing in OAH case number 2022010039, naming Valley-Center Pauma.

On January 4, 2022, Student filed a Motion to Consolidate the cases. On January 7, 2022, Valley-Center Pauma filed a Statement of Non-Opposition and requested to continue the due process hearing dates in Student's case to the dates previously set in Valley-Center Pauma's case number 2021120441.

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 Valley-Center Pauma's November 2020 assessments of Student in the areas of psychoeducational, speech and language and occupational therapy were legally compliant. Valley-Center Pauma does not oppose Student's motion to consolidate. 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).)

Valley-Center Pauma requested the due process hearing dates be continued to the dates previously agreed upon by the parties in district's case number 2021120441. The parties have agreed to attend mediation to attempt to resolve their disputes. Further, the parties have mutually agreed to due process hearing dates in the event the cases are not resolved through mediation. No prior continuances have been requested in Student's case number 2022010039. Accordingly, Valley-Center Pauma's motion to continue the due process hearing dates in Student's case to the dates previously agreed upon by the parties in Valley-Center Pauma case number 2021120441 is granted for good cause.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's case number 2022010039 is designated as the Primary Case.
3. Valley-Center Pauma's Motion to Continue Primary Case is granted.

Mediation in the above-captioned case shall be held on March 7, 2022, 9:00 am to 4:30 pm. The Prehearing Videoconference in the consolidated cases shall be held on April 11, 2022, at 3:00 pm, and the Due Process Hearing by Videoconference in the consolidated cases shall be held on

April 19, 20 and 21, 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 2022010039.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings