

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022010434

OAH CASE NUMBER 2021120490

ORDER GRANTING MOTION TO CONSOLIDATE AND
CONTINUE

JANUARY 26, 2022

On December 15, 2021, Saddleback Valley Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021120490, Saddleback's Case, naming Student.

On January 14, 2022, Student filed a Request for Due Process Hearing in OAH case number 2022010434, Student's Case, naming Saddleback.

On January 25, 2022, Saddleback filed a Motion to Consolidate the cases and to set mediation and due process hearing related dates on the dates designated in Saddleback's Case. On January 25, 2022, Student filed a notice of non-opposition.

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, both involve the appropriateness of Saddleback's November 5, 2021 initial multidisciplinary assessment. In addition, consolidation furthers the interests of judicial economy as the same witnesses and evidence will be required in both hearings on the interrelated issue. 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).)

The parties' request that dates in the consolidated matter be set to dates in Saddleback's matter. The request is tantamount to a request for continuance and is granted to allow the parties to mediate.

ORDER

1. Saddleback's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Student's Case, OAH case number 2022010434, are vacated to allow the parties to mediate. The consolidated case is continued as follows:
Mediation in the above-captioned case shall be held on March 7, 2022, from 9:00 am to 4:30 pm, the Prehearing Conference shall be held on April 8, 2022, at 1:00 pm, and the Due Process Hearing shall be held on April 19, 20, and 21, 2022, beginning at 9:30 AM on all days, continuing day to day as needed at the discretion of the Administrative Law Judge.
3. 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 Student's Case, OAH case number 2022010434.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton

Administrative Law Judge

Office of Administrative Hearings