

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT AND
ELK GROVE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021120714

ORDER DENYING ROCKLIN UNIFIED SCHOOL DISTRICT'S
MOTION TO BIFURCATE

FEBRUARY 02, 2022

On December 21, 2021, Parents on behalf of Student filed with the Office of Administrative Hearings, referred to as OAH, a request for a due process hearing naming Rocklin Unified School District and Elk Grove Unified School District. On January 26, 2022, Rocklin filed a motion to bifurcate, requesting that the matter against Rocklin proceed in a separate matter from the matter against Elk Grove. On January 31, 2022, Elk Grove Unified filed a response to Rocklin's motion. On January 31, 2022, Student filed an opposition to Rocklin's motion.

No special education law or regulation addresses bifurcation of issues. OAH generally looks for guidance to civil cases and the California Administrative Procedure Act, Government Code sections 11340 et. seq. Government Code section 11507.3 provides that an administrative law judge may order a separate hearing of any issue or issues, in furtherance of convenience, to avoid prejudice, or when separate hearings will be conducive to expedition and economy. Code of Civil Procedure section 598 provides in civil cases the court may order the trial of any issue to precede the trial of any other issue, to promote the convenience of witnesses, the ends of justice, or the economy and efficiency of litigation, if the order is made no later than the close of pretrial conference, or, in cases with no pretrial conference, no later than 30 days before trial.

Rocklin has not demonstrated that bifurcation is appropriate in this matter. Student raised six claims against Elk Grove and one claim against Rocklin. However, testimony and documentary evidence regarding Student's disability, educational history, and eligibility for special education may be relevant to issues against both local educational agencies. Furthermore, in its response to the motion, Elk Grove indicated that it may call employees of Rocklin to testify regarding issues against Elk Grove. As such, bifurcation would not be conducive to judicial expedition and economy. Accordingly, Rocklin's motion to bifurcate is denied.

IT IS SO ORDERED.

Cararea Lucier

Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings