

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENT ON BEHALF OF STUDENT

And

RIVERSIDE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023090117

OAH CASE NUMBER 2024010703

ORDER GRANTING MOTION TO CONSOLIDATE AND
CONTINUANCE OF PREHEARING CONFERENCE AND
HEARING DATES

FEBRUARY 1, 2024

On October 5, 2023, the Office of Administrative Hearings granted amendment of Student's Request for Due Process Hearing in OAH case number 2023090117, which named Riverside Unified School District as respondent. The parties' joint request to continue the case was granted on November 9, 2023.

On January 23, 2024, Riverside filed a Request for Due Process Hearing in OAH case number 2024010703, naming Student as respondent.

On January 31, 2024, the parties jointly filed a Motion to Consolidate the cases. The parties also requested that Riverside's case be made the primary case and that hearing proceed on the dates already set in Riverside's case, OAH case number 2024010703.

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, the appropriateness of Riverside's 2023 IEP offer to Student. Consolidation would further the interests of judicial economy because the hearings of both cases will necessarily involve the same witnesses and evidence. Consolidation is granted.

CONTINUANCE

Student's case will be the primary case. The parties requested Riverside's case be declared primary so the hearings dates currently scheduled in Riverside's case would become the new dates scheduled in this case. This request is being treated as a request for a continuance.

OAH must conduct a due process hearing and render a decision within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a);

Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

In this case, good cause for continuance is established by the consolidation of the cases and the need for the parties to prepare to present the additional case during hearing. The requested continuance is granted.

ORDER

1. The parties' joint motion to consolidate is granted.
2. Student's Case, OAH case number 2023090117 is designated as the primary case. All dates previously set in Riverside's Case, OAH case number 2024010703, are vacated.
3. The parties' request for continuance is granted. The Prehearing Conference will be held on February 12, 2024 at 3:00 PM. The Hearing will be held on February 21, and 22, 2024. NOTE: Hearings are not being scheduled on February 20, 2024 due to the President's Day holiday.

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 amended complaint in Student's Case, OAH case number 2023090117.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Claire Yazigi".

Claire Yazigi

Administrative Law Judge

Office of Administrative Hearings