BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. SAN DIEGUITO UNION HIGH SCHOOL DISTRICT,	OAH Case No. 2015040737
SAN DIEGUITO UNION HIGH SCHOOL DISTRICT v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2015010089 ORDER GRANTING STUDENT'S MOTION TO CONSOLIDATE AND DISTRICT'S MOTION TO CONTINUE DISTRICT'S CASE

On January 5, 2015, the San Dieguito Union High School District filed a request for a due process hearing in OAH case number 2015010089 (District's Case), naming Student.

On April 16, 2015, Student's parents on behalf of Student filed a request for a due process hearing in OAH case number 2015040737 (Student's Case), naming the San Dieguito Union High School District.

On April 16, 2015, Student filed a Motion to Consolidate District's Case with Student's Case and to continue the due process hearing dates set in District's Case to those set in Student's Case.

On April 20, 2015, San Dieguito filed an objection to consolidation on the ground that Student delayed filing the Motion to Consolidate until shortly before the hearing set in San Dieguito's case. San Dieguito does not wish a further delay of its case, which has been pending since January.

Consolidation

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; 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 Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the District's Case and Student's Case involve common questions of law or fact; specifically, whether the April 29, 2014 individualized education program offered Student a free appropriate public education. Many of the same witnesses will be called to testify in both cases. Consolidation will prevent the possibility of inconsistent rulings in the two cases.

Good cause appearing, and for the reasons discussed during the telephonic prehearing conference held on April 20, 2015, the motion to consolidate is granted.

District's Request to Continue District's Case

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

Since Student's request for consolidation is being granted, District requested that the prehearing conference and hearing in District's case be continued to those scheduled in Student's Case. Good cause appearing, District's Case's prehearing conference and hearing are continued to those scheduled in Student's Case, and the dates previously set in Student's Case shall apply to these consolidated cases, including the scheduled mediation.

ORDER

1. Student's motion to consolidate is granted.
2. District request to continue District's Case (OAH no, 2015010089) to those dates scheduled in Student's Case (OAH no. 2015040737) is granted for good cause.
3. The consolidated cases are scheduled as follows: Mediation at 9:30 a.m., May 21, 2015; prehearing conference at 3:00 p.m., June 1, 2015; and hearing at 9:30 a.m., June 10, 2015.
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 OAH Case Number 2015040737 (Student's Case).

4. All further pleadings in these consolidated cases shall be filed in OAH Case Number 2015040737 (Student's Case).

Note: Nothing in this order is intended to prevent the parties from requesting a continuance of the dates currently set in these consolidated cases.

DATE: April 20, 2015

/S/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings