BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: ANAHEIM CITY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016050770
PARENT ON BEHALF OF STUDENT, v. ANAHEIM CITY SCHOOL DISTRICT.	OAH Case No. 2016090258 ORDER GRANTING JOINT MOTION TO CONSOLIDATE AND CONTINUE MEDIATION, PREHEARING CONFERENCE AND DUE PROCESS HEARING

On May 16, 2016, Anaheim City School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016050770 naming Student (District's Case).

On September 2, 2016, Student filed a Request for Due Process Hearing in OAH case number 2016090258 naming District (Student's Case).

On September 6, 2016, the parties filed a joint motion to consolidate District's Case with Student's Case and to continue the prehearing conference and due process hearing dates from the dates set in District's Case to the dates set in Student's Case.

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 of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the parties stipulate that District's Case and Student's Case involve a common question of law or fact, specifically, whether District offered Student a free appropriate public education for the 1016-2017 school year. The parties agree that there will be substantial overlap in the witnesses, exhibits and experts that would be presented in each case. Accordingly, consolidation is granted.

Continuance

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).)

The joint request to continue the consolidated matter to the dates set in Student's case demonstrates good cause for a continuance. The parties stipulate to continue the dates in District's Case to the dates in Student's Case. The continuance will further the interests of justice by providing the parties an opportunity for a resolution session and mediation, and allowing both parties sufficient time to prepare for a single due process hearing.

ORDER

1. The Joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2016050770, District's Case are vacated.
3. The Joint Motion to Continue is granted. The consolidated matter shall proceed according to the dates set in the Scheduling Order in Student's Case. The Mediation in the above-captioned case shall be held on October 6, 2016, at 9:30 a.m. The Prehearing Conference in the consolidated cases shall be held on October 21, 2016, at 10:00 a.m. and the Due Process Hearing in the consolidated cases shall be held on October 27, 2016, and continuing day to day Monday through Thursday, 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 OAH Case Number 2016090258, Student's Case.

IT IS SO ORDERED.

DATE: September 08, 2016

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Marian H. Tully
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MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings