

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

REDLANDS UNIFIED SCHOOL DISTRICT
AND EAST VALLEY SELPA,
v.

PARENT ON BEHALF OF STUDENT,

PARENT ON BEHALF OF STUDENT,

v.

REDLANDS UNIFIED SCHOOL DISTRICT
AND EAST VALLEY SELPA

OAH CASE NO. 2011030315

OAH CASE NO. 2011030687

ORDER GRANTING MOTION TO
CONSOLIDATE AND DENYING
MOTION TO RESET ALL HEARING
DATES

On March 4, 2011, Redlands Unified School District (District) and East Valley SELPA (SELPA) filed a Request for Due Process Hearing in OAH case number 2011030315 (First Case), naming Student (Student).

On March 11, 2011, Student filed a Request for Due Process Hearing in OAH case number 20110306787 (Second Case), naming the District and SELPA.

On March 11, 2011, Student filed a Motion to Consolidate the First Case with the Second Case and to continue the due process hearing date set in Case Number 2011030315 (first case).

The District and SELPA filed a statement of non-opposition to the motion.

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].)

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).)

DISCUSSION

Here, the First Case and Second Case involve identical questions of law and fact. Neither the District nor the SELPA oppose the motion. In addition, consolidation furthers the interests of judicial economy because it will prevent duplication of testimony and documents in two hearings. Accordingly, consolidation is granted.

Student's motion to consolidate did not request a continuance of the hearing dates. The District/SELPA, statement of non-opposition requested that all dates be vacated and reset, however no reason was given for the request. The District/SELPA's request to reset all hearing dates fails to demonstrate good cause for a continuance.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011030315 (First Case) are vacated.
3. The District/SELPA's request to reset all hearing dates is denied without prejudice. The mediation, prehearing conference and due process hearing dates shall remain as scheduled in OAH Case Number 2011030687 (Second Case).
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 2011030687 (Second Case).

Dated: March 28, 2011

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings