

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2011120827
v.	
ETIWANDA SCHOOL DISTRICT,	
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ETIWANDA SCHOOL DISTRICT,	OAH CASE NO. 2011120147
v.	
PARENTS ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On December 2, 2011, the Etiwanda School District (District) filed a request for a due process hearing in OAH case number 2011120147 (First Case), naming Student and Student's parents (Student).

On December 26, 2011, Student filed a request for a due process hearing in OAH case number 2011120827 (Second Case), naming the District.

On December 26, 2011, Student filed a Motion to Consolidate the First Case with the Second Case and to continue the due process hearing dates currently set in the First Case. The District does not object to the motion.

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 First Case and Second Case involve a common question of law or fact, specifically, both cases concern whether the District offered a free appropriate public education to Student. Consolidation furthers the interests of judicial economy because many of the same witnesses will be called in both cases. Accordingly, consolidation is granted.

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).)

Student's motion to continue the hearing dates for the First Case demonstrates good cause for a continuance and is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011120147 (First Case) are vacated.
3. Student's Motion to Continue the dates in the First Case is granted. The mediation, prehearing conference and hearing dates in the First Case are continued and shall be set on the same dates as those currently set in the 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 2011120827 (Second Case).

Dated: January 5, 2012

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings