

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2012010604

v.

ROCKLIN UNIFIED SCHOOL DISTRICT,

ROCKLIN UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2012020237

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE AND GRANTING
MOTION TO CONTINUE

On January 23, 2012, Student filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2012010604 (First Case), naming the Rocklin Unified School District (District). On February 7, 2012, District filed a Request for Due Process Hearing in OAH case number 2012020237 (Second Case), naming Student.

On February 22, 2012, the parties filed a stipulation to consolidate the First Case with the Second Case and to continue the consolidated matters. The parties' stipulation is treated as a joint motion to consolidate and continue. No prior continuances have been granted.

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 have stipulated to consolidation of the First Case and the Second Case. Accordingly, the matters are consolidated. The First Case (Case Number 2012010604) shall be the lead case and the 45-day time line to issue a written decision shall be based upon the filing of the First Case.

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 parties request a continuance of the dates set in this matter on the grounds of unavailability of parties. The parties have established good cause and the request to continue is granted.

ORDER

1. The parties' Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2012010604 [First Case] and OAH Case Number 2012020237 (Second Case) are vacated.
3. The parties' Motion to Continue is granted. However, OAH is unable to grant the requested dates. Accordingly, this matter is set as follows: the prehearing conference in the consolidated matters shall occur on May 9, 2012, at 10:00 AM; and, the due process hearing in the consolidated matters shall occur on May 14 through 17, 2012, starting at 1:30 PM on May 14, 2012.
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 2012010604 [First Case].

Dated: February 24, 2012

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings