

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. TWIN RIVERS UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014030894
TWIN RIVERS UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2014050203 ORDER GRANTING MOTION TO CONSOLIDATE AND DENYING MOTION TO CONTINUE

On March 24, 2014, Student filed a request for due process hearing in Office of Administrative Hearings case number 2014030894 (Student’s Case), naming Twin Rivers Unified School District (Twin Rivers). On May 5, 2014, Twin Rivers filed a request for due process hearing in OAH case number 2014050203 (Twin River’s Case), naming Student.

On May 13, 2014, Twin Rivers filed a motion to consolidate Student’s Case with its case and to continue the due process hearing date set in its case and proceed to hearing on the dates currently set in Student’s Case. Student did not file a response to the motion.

APPLICABLE LAW AND DISCUSSION

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, Student's Case and Twin River's Case involve a common question of law or fact, specifically, Twin River's individualized education program offers made in the 2013-2014 school year. Student did not object to the consolidation request. In addition, consolidation furthers the interests of judicial economy because of the commonality of legal and factual issues, plus documentary evidence and witnesses. Accordingly, consolidation is granted.

Specific Hearing Dates

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).)

Twin Rivers requests that its case be continued and that the consolidated hearing take place on the dates that the parties already agreed to and are on calendar in Student's Case. Student's Case will be the primary matter and all dates in Twin River's Case are vacated. Therefore, the motion to continue is denied as moot.

ORDER

1. The motion to consolidate is granted.
2. All dates previously set in OAH Case number 2014050203 (Twin River's Case) are vacated. The consolidated cases shall proceed on the dates set in the primary matter, Student's Case, OAH Case No. 2014030894. The prehearing conference is scheduled on May 23, 2014, at 1:00 p.m., and the hearing is scheduled for June 3-5, 2014.
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 Student's Case, OAH case number 2014030894.

DATE: May 21, 2014

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings