

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ARCADIA UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2014080219

ORDER DENYING MOTION TO
CONSOLIDATE

On June 16, 2014, Student's parents on behalf of Student (Student) filed a request for due process hearing in OAH case number 2014060827 (First Case), naming the Arcadia Unified School District (Arcadia).

On August 5, 2014, Arcadia filed a request for due process hearing in OAH case number 2014080219 (Second Case), naming Student.

On August 5, 2014, Arcadia filed a Motion to Consolidate the First Case with the Second Case. On August 7, 2014, Student filed an opposition to that 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].)

The First Case has been pending for almost two months and is scheduled to start hearing next Tuesday, August 12, 2014. The prehearing conference in that case was held on August 4, 2014. During that prehearing conference, OAH denied Arcadia's request for a continuance of the hearing. The day after that prehearing conference, Arcadia filed the Second Case and sought consolidation. The issue in the Second Case involves an assessment plan that was offered to Student's parents after the First Case was filed.

The interests of justice and judicial economy would not be served by consolidating the cases. The issues in the two cases are not identical. Consolidation would either complicate the First Case or delay the hearing in that case and leave Student without the rapid hearing contemplated by special education law. Student is entitled to a timely decision on the First Case. If Arcadia truly felt a consolidated case was necessary, it should not have waited until the 11th hour to take action.

ORDER

1. Arcadia's Motion to Consolidate is denied.
2. All dates previously set for hearing in both the First Case and Second Case shall remain as currently scheduled.

DATE: August 8, 2014

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings