

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2011050630

v.

ROSEVILLE CITY ELEMENTARY SCHOOL
DISTRICT,

ROSEVILLE CITY ELEMENTARY SCHOOL
DISTRICT,

OAH CASE NO. 2011061276

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTIONS TO
CONSOLIDATE AND TO CONTINUE
DATES

On May 16, 2011, Parent on Behalf of Student (Student) filed a Request for Due Process Hearing (Student's complaint) in OAH case number 2011050630 (First Case), naming Roseville City Elementary School District (District).

On June 27, 2011, District filed a Request for Due Process Hearing (District's complaint) in OAH case number 2011061276 (Second Case), naming Student.

On June 29, 2011, counsel for the respective parties submitted a Stipulation Consolidating Cases and Setting Hearing Dates (Stipulation). Therein, counsel stipulated that the two cases involve common questions of fact and law and they jointly requested consolidation and continuance of the matters. Counsel provided mutually agreeable dates to which the consolidated matter could be moved.

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].)

The First Case and Second Case involve common questions of law and fact relating to the appropriateness of Student's education, as well involving the same parties. Consolidation of these cases will further the interests of judicial economy and prevent inconsistent rulings. Accordingly, parties' request for consolidation is granted.

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).)

There have been no prior continuances in this matter. Parties' Stipulation provides good cause to justify a continuance based on the cases being consolidated for one hearing.

ORDER

1. The parties' request to consolidate the two cases is granted;
2. All dates previously set in OAH Case Number 2011050630 (First Case) are vacated;
3. The parties' request to continue the matter to the mutually agreed-upon dates provided is granted;
4. A telephonic Prehearing Conference shall be held on August 10, 2011, at 1:30 p.m.; the due process hearing shall take place on August 22 through 24, 2011, starting at 1:30 p.m. on August 22, 2011; and
5. 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 2011061276 (Second Case).

Dated: July 6, 2011

_____/s/_____
Gary A. Geren
Administrative Law Judge
Office of Administrative Hearings