

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2011090946

v.

WESTMINSTER SCHOOL DISTRICT,

WESTMINSTER SCHOOL DISTRICT,

OAH CASE NO. 2011090352

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING JOINT REQUEST
TO CONSOLIDATE AND RESET
HEARING DATES

On September 12, 2011, District filed a Request for Due Process Hearing in OAH case number 2011090946 (First Case), naming Student. On September 22, 2011 Parents on behalf of Student filed a Request for Due Process Hearing in OAH case number 2011090946 (Second Case), naming District. On September 30, 2011, the parties filed a stipulation and request to consolidate the First Case with the Second Case, to vacate the dates in the First Case and to reset the dates in the consolidated cases.

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 First Case and Second Case involve a common question of law or fact. District's case relates to its offer of a free appropriate public education (FAPE) in Student's May 3, 2011 individual education plan (IEP) as it was amended on May 25, 2011. Student's case involves District's offer of FAPE in Student's November 19, 2009, November 19, 2010 and May 3, 2011 IEPs. Consolidation furthers the interests of judicial economy because of common questions of law or fact. Accordingly, 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).) The parties stipulated to reset the consolidated matter for mediation on November 1, 2011, a prehearing conference on November 9, 2011 and a one-day due process hearing on November 17, 2011, which are the dates previously scheduled for the Second Case. The request demonstrates good cause and will therefore be granted.

ORDER

1. The parties' joint request to consolidate is granted.
2. All dates previously set in OAH Case Number 2011090352 [First Case] are vacated.
3. The parties joint request to reset dates is granted. The Mediation in the above-captioned consolidated case shall be held on November 1, 2011 at 9:30 a.m.; the Prehearing Conference in the consolidated cases shall be held on November 9, 2011 at 10:00 a.m.; and the Due Process Hearing in the consolidated cases shall be held on November 17, 2011 at 9:30 a.m.
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 2011090946 [Second Case].

Dated: October 3, 2011

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings