

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

HIGH TECH MIDDLE MEDIA ARTS
SCHOOL AND HIGH TECH HIGH.

OAH CASE NO. 2014010452
(Primary Case)

HIGH TECH MIDDLE MEDIA ARTS
SCHOOL AND HIGH TECH HIGH,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014010959

ORDER GRANTING MOTION TO
CONSOLIDATE AND GRANTING
MOTION TO CONTINUE

On January 15, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014010452 (First Case), naming High Tech Middle Media Arts School (District).

On January 28, 2014, the District filed a Request for Due Process Hearing in OAH case number 2014010959 (Second Case), naming Student.

On January 28, 2014, the parties filed a joint stipulation to Consolidate the First Case with the Second Case and to continue the due process hearing date set in both 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, and the parties have jointly requested the consolidation. Consolidation of these matters furthers

the interests of judicial economy because the cases involve the same issues and witnesses. 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 joint request for continuance demonstrates good cause demonstrates good cause for a continuance, based on the District's new filing and the dates requested for hearing.

ORDER

1. The joint stipulation to Consolidate is granted;
2. All dates previously set in OAH Case Number 2014010452 and OAH Case No. 2014010959 are vacated;
3. The joint stipulation to continue is granted as follows:
 - a. mediation shall be set on a mutually agreeable date, with ALJ Lepkowski, if the ALJ is available;
 - b. due process hearing on February 24, 25, 26, and 27, and March 11, 2014 commencing at 1:30 p.m. on the first day; and
 - c. telephonic prehearing conference on February 14, 2014 at 10:00 a.m. OAH shall initiate the telephone call; and
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 2014010959 (Second Case), with the date of this Order acting as the first continuance.

February 03, 2014

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings