

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. ALHAMBRA UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015020844 (Primary)
ALHAMBRA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015010354 (Secondary) ORDER (1) GRANTING STUDENT'S MOTION TO CONSOLIDATE AND (2) CONTINUING PREHEARING CONFERENCE AND DUE PROCESS HEARING DATES

On January 8, 2015, Alhambra Unified School District filed a request for due process hearing in OAH case number 201510354 (District's Case), naming Student.

On February 17, 2015, Student filed a request for due process hearing in OAH case number 2015020844 (Student's Case), naming District.

On February 19, 2015, Student filed a motion to consolidate Student's Case with District's Case. On February 23, 2015, District filed a non-opposition to consolidation.

By order dated February 19, 2015, the due process hearing date in Student's Case is scheduled for April 6, 2015. By order dated January 22, 2015, the hearing date in District's case was continued at the joint request of the parties. By order dated February 26, 2015, the hearing dates in District's Case were further continued at the joint request of the parties to May 26-28, 2015.

APPLICABLE LAW

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].)

DISCUSSION

Here, the Student's Case and the District's Case involve common questions of law or fact, specifically, whether the individualized education programs dated September 25, 2014, October 7, 2014 and December 3, 2014 offered Student a free appropriate public education.

Consolidation furthers the interest of judicial economy because the same witnesses and evidence will be presented in both cases on the issues of whether IEP's were specific in their offers and offered an appropriate programs and services. Consolidation will avoid the duplication of time, expense and resources involved in having these matters proceed to hearing separately.

The hearing dates in District's Case have been continued twice by joint request, and Student's motion to consolidate is deemed to include a request for continuance of the prehearing conference and due process hearing dates in Student's Case to the dates currently scheduled for District's Case. OAH has reviewed the request for good cause and considered all relevant facts and circumstances, and the request for continuance is granted.

ORDER

1. Student's motion to consolidate is granted.
2. Student's Case, OAH case number 2015020844, is designated as the primary case and shall be used for filing all documents in these consolidated matters.
3. Student's request to continue the hearing dates in Student's Case to the dates currently set in District's Case is granted.
4. The prehearing conference and hearing dates previously set in Student's Case are vacated. The parties shall participate in a prehearing conference on the consolidated cases at 11:00 a.m. on May 18, 2015. OAH will initiate the call. The due process hearing on the consolidated cases shall be held on May 26-28, at 1:30 p.m. on the first day and 9:00 a.m. thereafter.

5. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of Student's Case.

DATE: March 25, 2015

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings