

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT AND WALNUT VALLEY
UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015030166

ORDER DENYING MOTION TO
BIFURCATE HEARING

On February 27, 2015, Student filed a due process hearing request naming Sacramento City Unified School District and Walnut Valley Unified School District as respondents. On October 26, 2015, Sacramento City filed a Motion to Bifurcate Parties, so that all issues related to Sacramento City would be heard separately in one hearing. On October 28, 2015, Walnut Valley submitted a letter in support of Sacramento City's request. On October 29, 2015, Student submitted its opposition to Sacramento City's motion arguing that the matter should be heard in its entirety in a single hearing.¹

APPLICABLE LAW

Federal and state laws pertaining to special education due process administrative proceedings do not contain a specific reference to the procedure for bifurcating issues or parties at trial. Such authority resides in the discretion of the administrative law judge, provided that separate hearings are conducive to judicial economy or efficient and expeditious use of judicial resources. (See Gov. Code, § 11507.3, subd. (b).)

Generally, the Office of Administrative Hearings (OAH) will bifurcate a hearing where the resolution of a threshold question will determine whether the remainder of a hearing will be necessary.

¹ Student asserted that rather than a Motion to Bifurcate this should be treated as a Motion for Reconsideration because an oral motion to bifurcate the hearing was made and ruled upon during the prehearing conference in this matter. The Order following the PHC indicates that the order regarding bifurcation was made without prejudice. Accordingly, this is considered a new request and is ruled on as such.

DISCUSSION

In this case, Sacramento City asserts that there are two distinct time periods and each respondent has legal responsibility only for Student during those specified times. That argument is not persuasive in this case for two reasons. First, this case as plead has overlapping contentions. Specifically, Student alleged that both LEA's failed to provide Student with extended school year services in 2015. More fundamentally, however, is that during the due process hearing, presumably evidence will be presented regarding Student's needs as they existed throughout the entire time period at issue. Bifurcating this matter into two hearings will require duplication of the evidence regarding Student's needs as it is unlikely they radically changed overnight corresponding directly to the day legal responsibility shifted from one LEA to the other. In this case, bifurcating the hearing will actually require evidence and possibly witnesses to be duplicated. It would not promote judicial economy or efficiency.

ORDER

Sacramento City's motion to bifurcate is denied.

DATE: October 29, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings