

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. IRVINE UNIFIED SCHOOL DISTRICT	OAH Case No. 2015050081 (Primary)
IRVINE UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT	OAH Case No. 2015040054 (Secondary) ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On March 25, 2015, District filed a Request for Due Process Hearing in OAH case number 2015040054 (District’s Case), naming Student.

On April 15, 2015, the District’s Case was continued to June 16, 17 and 18, 2015.

On April 30, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015050081(Student’s Case), naming District. The Student’s Case was set for hearing on June 24, 2015.

On April 30, 2015, Student filed a Motion to Consolidate the District’s Case with the Student’s Case and a Motion to Continue the due process hearing dates. Student did not propose specific hearing dates. District filed a notice of non-opposition.

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 District's Case and Student's Case involve a common question of law or fact, specifically, whether the February 24, 2015 Individualized Education Program offered Student a free appropriate public education. District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy by avoiding two hearings regarding the same IEP that will involve many of the same witnesses and similar evidence. 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).)

Student's motion to continue did not provide proposed dates. Given that consolidation of the cases will promote judicial economy and preserve the resources of both parties, there is good cause to grant a continuance of both cases. Since the parties did not agree on hearing dates or request specific or additional hearing dates for the consolidated cases, OAH has set the matter for four days, as set forth below.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case number 2015040054 (District's Case) are vacated.
3. Student's Motion to Continue is granted. The Mediation in the consolidated case shall be held on June 4, 2015 at 9:30 a.m. The Prehearing Conference in the consolidated cases shall be held on July 6, 2015 at 1:00 p.m. and the Due Process Hearing in the consolidated cases shall be held on July 14, 15, 16 and 20, 2015 at 9:30 a.m. on the first day.
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 2015050081 (Student's Case).

DATE: May 11, 2015

/s/

CAROLINE A. ZUK

Administrative Law Judge
Office of Administrative Hearings