

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2015040516

v.

ARCADIA UNIFIED SCHOOL DISTRICT,

ARCADIA UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2015040074

v.

PARENTS ON BEHALF OF STUDENT.

ORDER GRANTING STUDENT'S
MOTION TO CONSOLIDATE AND
MOTION TO CONTINUE DISTRICT'S
CASE

On March 27, 2015, Arcadia Unified School District filed a Request for Due Process Hearing in OAH case number 2015040074 (District's Case), naming Student. On April 10, 2015, Parents on behalf of Student retained attorney David German to represent Student. The District's Case is scheduled for a prehearing conference on April 17, 2015, and a hearing on April 21, 2015.

On April 10, 2015, Parents on behalf of Student filed a Request for Due Process Hearing in OAH case number 2015040516 (Student's Case), naming District. On April 14, 2015, the Student's Case was scheduled for mediation on May 19, 2015, prehearing conference on May 29, 2015, and hearing for June 9, 2015.

With the complaint, Student also filed a Motion to Consolidate the Student's Case with the District's case and, further, to set new dates for mediation and hearing in the consolidated cases.

On April 13, 2015, District filed a Notice of Non-Opposition to Student's consolidation motion.

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, District's Case and Student's Case assert common issues of law and fact which would involve common parties, witnesses, and evidence. District seeks a determination that District's November 14, 2014 IEP offer provides Student with a free appropriate public education. Student's Case contests the District's assertions that District offered a FAPE, as well as pleading that District denied Student a FAPE since September 2014.

Since the two cases involve common questions of fact and law, consolidation furthers the interests of judicial economy. Student's motion is granted.

Student's Motion to Continue and Assign Dates in Consolidated Matters

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 requested that the prehearing conference and hearing in the consolidated cases be re-scheduled. This is treated as a motion to continue District's Case to the dates scheduled in the Student's Case. Good cause appearing, District's Case's prehearing conference and hearing are continued to those scheduled in Student's Case, and the dates previously set in Student's Case shall apply to these consolidated cases. Further, since the mediation previously scheduled in the District's Case was canceled, the consolidated cases shall be set for mediation on the date presently set in the Student's Case.

ORDER

1. Student's motion to consolidate is granted.
2. Student's motion to continue the prehearing conference and hearing dates, set in OAH Case Number 2015040074 (District's Case), is granted for good cause.
3. The mediation schedule for 9:30 AM, May 19, 2015, prehearing conference of 3:00 PM, May 29, 2015, and hearing of June 9, 2015, presently scheduled in OAH Case Number 2015040516 (Student's Case), shall apply to these consolidated cases.

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 2015040516 (Student's Case).
5. All further pleadings in these consolidated cases shall be filed in OAH Case Number 2015040516 (Student's Case).

DATE: April 16, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings