

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. TORRANCE UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015060412
TORRANCE UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015030745 ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On March 16, 2015, Torrance Unified School District filed a Request for Due Process Hearing in Office of Administrative Hearings case number 2015030745 (District’s Case), naming Student.

On May 20, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015060412 (Student’s Case), naming District.

On June 26, 2015, the parties filed a Joint Stipulation to Consolidate Cases, which OAH deems to be a Motion to Consolidate the District’s Case with the Student’s Case. District also filed a Motion to Continue the hearing in the consolidated matters, and Student filed a statement 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, the appropriateness of the psychoeducational evaluation conducted by District and Student's entitlement to an independent educational evaluation at public expense. 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).)

District's unopposed motion to continue the hearing demonstrates good cause for a continuance, based on stated unavailability of District's counsel.

ORDER

1. The parties' Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015030745, District's Case are vacated.
3. 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 2015060412, Student's Case.
4. District's Motion to Continue is granted. The Mediation in the consolidated cases shall be held on July 28, 2015, at 9:30 a.m. The Prehearing Conference in the consolidated cases shall be held on September 4, 2015, at 1:00 p.m. The Due Process Hearing in the consolidated cases shall be held on September 15, 16 and 17, 2015, at 9:30 a.m. on the first day.

DATE: June 29, 2015

/s/

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings