

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LONG BEACH UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016020013
LONG BEACH UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015111067 ORDER GRANTING JOINT MOTION TO CONSOLIDATE AND CONTINUING MEDIATION, PREHEARING CONFERENCE, AND DUE PROCESS HEARING DATES

On November 25, 2015, Long Beach Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case Number 2015111067 (District's Case), naming Student.

On January 29, 2016, Student filed a Request for Due Process Hearing in OAH Case Number 2016020013 (Student's Case), naming District.

On February 11, 2016, the parties jointly filed a Stipulation to Consolidate District's Case with Student's Case, and a request to continue all dates set in both cases, including the due process hearing dates set in both cases. The Stipulation is deemed a joint Motion to Consolidate and to Continue.

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 involve a common question of law or fact, specifically whether District conducted an appropriate psychoeducational reevaluation of Student in October 2015. In addition, consolidation furthers the interests of judicial economy because it will avoid potentially conflicting results. 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).)

The parties' motion to continue the hearing for the consolidated cases demonstrates good cause for a continuance to the dates agreed to by the parties, in that District's Case is set to be heard before Student's Case, which was only recently filed, and the parties would not have sufficient time to prepare Student's Case so as to be ready for hearing on the hearing dates for District's Case. Additionally, no party has previously requested a continuance of any of the scheduled dates for Student's Case, which OAH unilaterally set.

ORDER

1. The parties' joint Motion to Consolidate is granted. All dates previously set in OAH Case Number 2015111067 (District's Case) and OAH Case Number 2016020013 are vacated.

2. The parties' Motion to Continue is granted. The consolidated cases shall proceed as follows:

Mediation: April 7, 2016, at 9:30 a.m.

Prehearing Conference: May 27, 2016, at 10:00 a.m.

Due Process Hearing: June 7-9, 2016, and continuing day to day thereafter, Monday through Thursday as needed, at the discretion of the Administrative Law Judge. The first day of hearing shall commence at 9:30 a.m.

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 2016020013 (Student's Case).

IT IS SO ORDERED.

DATE: February 12, 2016

DocuSigned by:

Elsa H. Jones

ELSA H. JONES

Administrative Law Judge

Office of Administrative Hearings