

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

ELK GROVE UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2014010292

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2013060641

ORDER GRANTING JOINT MOTION
TO CONSOLIDATE AND GRANTING
MOTION TO CONTINUE

On June 11, 2013, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings (OAH) case number 2013060641 (Student's Case), naming Elk Grove Unified School District (District).

On January 9, 2014, District filed a Request for Due Process Hearing in OAH case number 2014010292 (District's Case), naming Student.

On January 22, 2014, the parties filed a stipulated motion to consolidate Student's Case with District's Case and to continue the due process hearing date set in District's Case.

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, Student's Case and District's Case involve a common question of law and fact, specifically regarding an appropriate program for Student in the current school year and the provision of or appropriateness of assessments. 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 have jointly moved to continue the hearing to the dates that have been agreed upon and ordered for Student's Case. There have been no earlier continuances in District's Case. The motion to continue the hearing demonstrates good cause for a continuance, and the continuance is granted.

ORDER

1. The joint motion to consolidate is granted.
2. The joint motion to continue District's Case is granted. The Prehearing Conference in the consolidated cases shall be held on March 3, 2014, at 3:00 p.m., and the Due Process Hearing in the consolidated cases shall be held on March 17 and 24, 2014, at 1:30 p.m. and March 19, 20, 25 and 26, 2014 at 9:00 a.m. and continuing day to day, Monday through Thursday, at the discretion of the administrative law judge.
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 District's Case.

Dated: January 23, 2014

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings