

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014110451
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2014120049 ORDER GRANTING MOTION TO CONSOLIDATE AND DENYING MOTION TO CONTINUE

On November 10, 2014, Parents on behalf of Student filed a Request for Due Process Hearing in OAH case number 2014110451 (First Case), naming the Santa Monica-Malibu Unified School District as respondent.

On December 5, 2014, Santa Monica filed a Request for Due Process Hearing in OAH case number 2014120049 (Second Case), naming Student as respondent.

On December 5, 2014, Santa Monica filed a Motion to Consolidate the First Case with Case Number 2014120049 (Second Case). Although the motion caption included the phrase “and Continue Both Matters”, the motion contained no argument demonstrating good cause for a continuance or any suggested hearing dates.

Student did not file a response to the 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, the First Case and Second Case involve a common question of law or fact, specifically, the duty of Santa Monica to assess Student for eligibility for special education. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases involve the same witnesses. 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).)

Santa Monica's motion to continue the hearing fails to cite any grounds to continue the mediation and hearing dates in these matters and did not even reference suggested hearing dates. Accordingly, it is denied.

ORDER

1. Santa Monica's Motion to Consolidate is granted.
2. All dates previously set in the Second Case, OAH Case Number 2014120049, are vacated. The consolidated matter shall proceed according to the Scheduling Order in the First Case, OAH Case Number 2014110451.
3. Santa Monica's Motion to Continue is denied.
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 the first case, OAH Case Number 2014110451.

DATE: December 11, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings