

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matters of:

PARENT(S) ON BEHALF OF STUDENT,

OAH CASE NO. 2015010348

v.

ROWLAND UNIFIED SCHOOL DISTRICT,

PARENT(S) ON BEHALF OF STUDENT,

OAH CASE NO. 2015010633

v.

ROWLAND UNIFIED SCHOOL DISTRICT,

ROWLAND UNIFIED SCHOOL
DISTRICT

OAH CASE NO. 2015010882

v.

PARENTS ON BEHALF STUDENT.

ORDER GRANTING JOINT MOTION
TO CONSOLIDATE AND GRANTING
JOINT MOTION TO CONTINUE

On February 4, 2015, the parties filed a joint request to consolidate three cases and to continue the consolidated matter to agreed dates less than 90 days from the initial hearing date set in the first filed case.

Student filed a Request for Due Process Hearing in OAH case number 2015010348 (Student's First Case), naming Rowland Unified School District (District) on January 12, 2015. On January 13, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015010633 (Student's Second Case) naming District. On January 29, 2015, District filed a Request for Due Process Hearing in OAH case number 2015010882 (District's Case), naming Student.

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, as the parties agreed, all three cases present sufficient common issues of law and fact concerning an assessment dated November 21, 2014, and a January 2014 IEP meeting such that consolidating the matters will result in judicial economy and prevent inconsistent rulings. 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).)

Here, the initial date set for due process hearing in OAH case number 2015010348, the primary case, was March 10, 2015. The parties requested dates less than 90 days from the initial date set. However, the parties request the due process hearing be set for seven days beginning Monday, April 27, 2015, through May 5, 2015, including a Friday and the first Monday in May. OAH does not set hearings on Fridays or on the first Monday of a month. Accordingly, the joint request for continuance of the consolidated matters is granted and continued to the dates below. Additional hearing days may be requested at the prehearing conference.

ORDER

1. The joint request to consolidate OAH case numbers 2015010348, 2015010633 and 2015010882 is granted. OAH case number 2015010348 is designated the primary case.
2. All dates previously set in OAH case numbers 2015010633 (Student's Second Case) and 2015010882 (District's Case) are vacated.
3. The parties' joint request for a continuance is granted. The Mediation in the consolidated cases shall be held on March 24, 2015 at 9:30 a.m. The Prehearing Conference in the consolidated cases shall be held on April 17, 2015, at 10:00 a.m. The Due Process Hearing in the consolidated cases shall be held on April 28, 29, and 30, 2015, and continuing day to day at the discretion of the ALJ. The hearing will begin at 9:30 a.m. on the first day and at 9:00 a.m. on all other days unless otherwise ordered.

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 2015010348 (Student's First Case).

DATE: February 04, 2015

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings