

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

ESCONDIDO UNION SCHOOL DISTRICT,
v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015031234

PARENT ON BEHALF OF STUDENT,

v.

ESCONDIDO UNION SCHOOL DISTRICT.

OAH Case No. 2015030165

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

On February 23, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015030165 (Student's Case), naming the Escondido Union School District.

On March 26, 2015, Escondido Union filed a Request for Due Process Hearing in OAH case number 2015031234 (Escondido Union's Case), naming Student.

On April 7, 2015, the parties filed a joint motion to consolidate their cases and to continue the due process hearing dates for both cases.

Consolidation

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, the Office of Administrative Hearings 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, Escondido Union's case and Student's case both address common issues of law and fact. Both cases concern the propriety of Student's individualized educational programs and both raise issues concerning Escondido Union's assessments of Student. The cases will therefore involve many of the same witnesses and documentary evidence. For these reasons,

consolidating the cases will further the interests of judicial economy. Accordingly, the parties' joint motion to consolidate 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).)

In this case, both parties have requested that the consolidated cases be briefly continued. It is the first request for continuance made by either party. Good cause having been found, the parties' joint request for continuance is granted.

ORDER

1. The parties' joint motion to consolidate is granted.
2. The parties' joint motion to continue is granted. The telephonic prehearing conference in the consolidated matter shall be held on May 22, 2015, at 10:00 a.m. The due process hearing in the consolidated matter shall be held on June 2, 3, 4, and 8, 2015, and continuing day to day thereafter, Monday through Thursday, at the discretion of the Administrative Law Judge. The hearing shall begin at 9:30 a.m. on June 2, 2015, and at 9:00 a.m. all other days, unless otherwise ordered.¹
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 2015031234 [Escondido Union's Case].

DATE: April 8, 2015

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings

¹ The parties have requested six hearing days. Should they still believe six days are necessary, they may raise the issue with the assigned ALJ at the prehearing conference. The parties have not requested to continue their mediation date, which remains scheduled for April 14, 2015.