

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NOS. 2011060465 and
2011060264

ORDER GRANTING MOTION TO
CONSOLIDATE

On June 3, 2011, Parents, on behalf of Student, filed with the Office of Administrative Hearings (OAH) a Request for Mediation and Due Process Hearing that named the Los Angeles Unified School District (District). OAH assigned this first matter Case Number 2011060264, and currently pending in the case is a mediation set for July 13, 2011, a prehearing conference set for July 25, 2011, and a due process hearing set for August 2, 2011.

On June 9, 2011, Parents, on behalf of Student, filed with OAH a second Request for Mediation and Due Process Hearing that named the District. OAH assigned this second matter Case Number 2011060465, and currently pending in the case is a mediation set for July 14, 2011, a prehearing conference set for July 27, 2011, and a due process hearing set for August 3, 2011.

On July 5, 2011, Student, through counsel, requested OAH to consolidate case numbers 2011060264 and 2011060465. The District has not filed with OAH a response to this request.

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 two Student cases derive from the same individualized education program, and involve common questions of law or fact. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011060264 (Student's first case) are vacated.
3. The dates currently scheduled in OAH Case No. 2011060465 (Student's second case) shall remain on-calendar.
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 2011060465 (Student's second case).

Dated: July 12, 2011

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings