

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES COUNTY OFFICE OF
EDUCATION AND CHARTER OAK
UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012010550

CHARTER OAK UNIFIED SCHOOL
DISTRICT

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2012020046

ORDER GRANTING MOTION TO
CONSOLIDATE

On January 19, 2012, Parents on behalf of Student (Student) filed a Request for Due Process Hearing (Complaint) in the Office of Administrative Hearings (OAH) Case Number 2012010550 (Student's Case) against the Los Angeles County of Education (County) and the Charter Oaks Unified School District (District).

On February 1, 2012, District filed a Request for Due Process Hearing in OAH Case Number 2012020046 (District's Case) against Student.

Also, on February 1, 2012, District filed a Motion to Consolidate its case with the Student's case. Neither Student nor County filed a response to the motion.

APPLICABLE LAW

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].)

DISCUSSION

Student's Case involves the questions of whether District and/or the County adequately assessed her in all areas of known or suspected disability, particularly in those areas relating to her Assistive Technology/Augmentative and Alternative Communication, speech and language, occupational therapy, behavioral, and physical therapy needs during the years 2010 and 2011. Further, Student alleges that she was denied a free appropriate public education (FAPE) during the 2010-2011 and 2011-2012 school years (SY's) because District and/or the County failed to provide appropriate special education programs, services and placement. Finally, Student alleges that District and/or County failed to offer her a FAPE for the 2010-2011 and 2011-2012 SY's because Student's various individualized education program (IEP's) did not present accurate information about Student's present levels of performance, or measurable goals, and due to District/County interferences with parental procedural rights to meaningfully participate in the developments of the various IEP's.

In its case, District raises the question of the appropriateness of its triennial IEP offer of December 2, 2011 and December 16, 2011. Its contention is that the triennial IEP offer provides Student with a FAPE and that District should be allowed to implement the IEP.

These two cases involve the same parties and cover similar timelines. The cases present common questions of law and fact relating to District's offer of FAPE to Student, the process leading to the development of Student IEP's and the appropriateness of District's offer of FAPE to Student. Also, neither Student nor County has opposed the motion.

In addition, consolidation furthers the interests of judicial economy because the issues raised in both cases involve Student's unique educational needs and whether District and County offered Student a FAPE during the 2010-2011 and 2011-2012 SY's, and if not, whether District and County should be ordered to provide additional assessments and convene an IEP team meeting following the assessments, among others. Evaluating and resolving these issues would involve the same evidence and witnesses, and the analysis and resolution of the same questions of law. Therefore, consolidating the cases will promote judicial economy. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2012020046 (District's Case) are vacated.

3. The consolidated matters shall proceed based on the timeline established in OAH Case Number 2012010550, and particularly as follows: mediation shall take place on February 23, 2012; prehearing conference shall take place on March 7, 2012, at 1:30 p.m., and, due process hearing shall take place on March 14, 2012, 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 2012010550 (Student's Case).

Dated: February 7, 2012

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings