

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LONG BEACH UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013050276 (Primary)
LONG BEACH UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013060375 ORDER GRANTING MOTION TO CONSOLIDATE

On May 8, 2012, Student filed a request for due process hearing in Office of Administrative Hearings (OAH) case number 2013050276 (First Case), naming Long Beach Unified School District (District).

On June 5, 2013, District filed a request for due process hearing in OAH case number 2013060375 (Second Case), naming Student.

On June 11, 2013, District filed a motion to consolidate the First Case with the Second Case. Student did not file 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].)

Here, the First Case and Second Case involve common questions of law and fact. Specifically, both cases seek a determination of the appropriateness of District's February 13, 2013 psychoeducational assessment and District's February 15, 2013 language and speech (LAS) assessment. Consolidation furthers the interests of judicial economy because the respective cases will involve the same witnesses, documents and questions of law, and will avoid the repetitive presentation of common evidence. Accordingly, consolidation is granted.

ORDER

1. District's motion to consolidate is granted. The primary case shall be OAH case number 2013050276 (First Case).
2. All dates previously set in OAH case number 2013060375 (Second Case) are vacated.
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 2013050276 (First Case).

Dated: June 17, 2013

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings