

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014080277
LOS ANGELES UNIFIED SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH Case No. 2014120396  ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On August 4, 2014, Parent on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 201408277 (First Case), naming the Los Angeles Unified School District as respondent. On November 17, 2014, OAH granted Student's motion to file an amended complaint.

On December 8, 2014, Los Angeles filed with OAH a Request for Due Process Hearing in OAH case number 2014120396 (Second Case), naming Student as respondent.

On December 12, 2014, both parties filed a Joint Request to Consolidate the First Case with the Second Case and to continue the due process hearing date set in Case Number 2014080277 (First Case).

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, the First Case and Second Case involve a common question of law or fact, specifically, whether District conducted assessments in preparation for the April 4, 2014 Individualized Education Program team meeting in the areas of psychoeducation, functional behavior analysis, occupational therapy, and language and speech were appropriately conducted. In addition, consolidation furthers the interests of judicial economy because both cases involve the same witnesses. 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 Los Angeles is closed for Winter Break from December 22, 2014 through January 9, 2015, and witnesses shall be unavailable. Mediation in both cases is scheduled for December 23, 2014 while the due processing hearing in the First Case is scheduled for January 13, 2015 and in the Second Case for January 6, 2015.

The parties' joint request to continue the hearing demonstrates good cause for a continuance, based on the unavailability of witnesses.

#### ORDER

1. The Joint Request to Consolidate and for Continuance is granted.
2. The dates previously set in OAH Case Number 2014080277 (First Case) and the OAH Case Number 2014120396 (Second Case) for Prehearing Conferences and Due Process Hearings are vacated.
3. The Prehearing Conference in the consolidated cases shall be held on January 23, 2015, at 10:00 a.m. and the Due Process Hearing in the consolidated cases shall be held on February 9, 2015, at 1:30 p.m., February 10 through 12, 2015, at 9:00 a.m..

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 2014120396 (Second Case).

DATE: December 15, 2014

/s/

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings

