

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NOS. 2011060277 and
2011100042

ORDER GRANTING MOTION TO
CONSOLIDATE

On June 3, 2011, Parent, 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 the Student complaint case number 2011060277. Currently pending in the Student matter is a prehearing conference on October 31, 2011, at 1:30 p.m., and a due process hearing for November 7, 8, 9 and 10, 2011.

On October 7, 2011, the District filed with OAH a Request for Due Process Hearing that named Student. OAH assigned the District complaint case number 2011100042. Currently pending in the District matter is a mediation set for October 12, 2011, a prehearing conference on October 26, 2011, and a due process hearing for November 1, 2011.

On October 7, 2011, the District filed with OAH a motion to consolidate the Student complaint and the District complaint. Parent has not filed 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 cases involve common questions of law or fact. Consolidation will further the interests of judicial economy. Accordingly, consolidation is granted.

ORDER

1. The District's motion to consolidate OAH case number 2011060277 and case number 2011100042 is granted.

2. All dates set in OAH case number 2011100042, the District complaint, are vacated.
3. The prehearing conference and due process hearing dates for case number 2011060277, the Student complaint, shall become the hearing dates for the consolidated cases.
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 2011060277, the Student complaint.

Dated: October 11, 2011

/s/

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