

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. 2011060716
LONG BEACH UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2011070772 ORDER GRANTING MOTION TO CONSOLIDATE AND MOTION TO CONTINUE

On June 13, 2011, Parent on behalf of Student filed a Request for Due Process Hearing in OAH case number 2011060716, naming Long Beach Unified School District (District) (First Case).

On July 21, 2011, District filed a Request for Due Process Hearing in OAH case number 2011070772 (Second Case), naming Parent on behalf of Student.

On July 22, 2011, District filed a Motion to Consolidate the First Case with the Second Case and to continue the due process hearing date set in both cases. Student does not oppose the motion. The parties have agreed that the due process hearing on the consolidated cases be continued to November 14, 2011.

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 involve a vision assessment, a functional analysis assessment and the

provision of transportation. In addition, consolidation furthers the interests of judicial economy because the cases involve overlapping witnesses and documentary evidence... Accordingly, consolidation is granted.

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).) District's motion to continue the hearing demonstrates good cause for a continuance, based upon the need for four consecutive days of hearing.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in both cases are vacated.
3. District's Motion to Continue is granted. The Prehearing Conference in the consolidated cases shall be held on November 7, 2011 at 1:30 p.m. and the Due Process Hearing in the consolidated cases shall be held on November 14, 2011 at 1:30, November 15, 2011 at 9:30 a.m., November 16, 2011 at 9:30 a.m. and November 17, 2011 at 9:30 a.m. 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 2011070772[Second Case].

Dated: July 27, 2011

/s/

GLYNDA B.GOMEZ
Administrative Law Judge
Office of Administrative Hearings