

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

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| In the Consolidated Matters of:<br><br>PARENT ON BEHALF OF STUDENT,<br><br>v.<br><br>LONG BEACH UNIFIED SCHOOL DISTRICT, | OAH CASE NO. 2014010946 (Primary)   |
| LONG BEACH UNIFIED SCHOOL DISTRICT,<br><br>v.<br><br>PARENT ON BEHALF OF STUDENT.  | OAH CASE NO. 2014020483 (Secondary)<br><br>ORDER (1) GRANTING DISTRICT'S MOTION TO CONSOLIDATE AND (2) GRANTING JOINT REQUEST FOR CONTINUANCE |

On January 27, 2014, Guardians on behalf of Student filed a request for due process hearing (complaint) in OAH case number 2014010946 (First Case), naming the Long Beach Unified School District (District).

On February 13, 2014, the District filed a complaint in OAH case number 2014020483 (Second Case), naming Guardians on behalf of Student.

On February 21, 2014, the District filed a motion to consolidate the First Case with the Second Case.

On February 24, 2014, the parties filed a timely joint initial request to continue the prehearing conference and due process hearing dates in both matters to identical agreed dates in the near future.

*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 the District failed to assess Student in all areas of suspected disability and should be ordered to reimburse Guardians for privately obtained assessments. Student does not oppose consolidation. 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).) Consolidation of the First Case and Second Case is good cause for a continuance, and accordingly, the joint request for continuance is granted.

ORDER

1. The District's motion to consolidate is granted. OAH Case Number 2014010946 (First Case) is designated as the primary case.
2. All dates previously set in OAH Case Number 2014020483 (Second Case) are vacated.
3. The joint request for continuance is granted. The mediation for these consolidated cases shall be held on March 4, 2014 at 9:30 a.m., the prehearing conference in these consolidated cases shall be held on April 21, 2014 at 1:00 p.m., and the due process hearing shall be held on April 28 through May 1, 2014, at 1:30 p.m. on the first day and 9:00 a.m. thereafter, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
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 2014010946 (First Case).

DATE: February 24, 2014

/s/  
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ALEXA J. HOHENSEE  
Administrative Law Judge  
Office of Administrative Hearings