

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2014030919

---

LONG BEACH UNIFIED SCHOOL  
DISTRICT.

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014040984

ORDER GRANTING MOTION TO  
CONSOLIDATE AND MOTION TO  
CONTINUE

On March 21, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014030919 (First Case), naming Long Beach Unified School District (District). The hearing in the First Case is scheduled for May 15, 2014. The April 24, 2014 mediation was cancelled.

On April 18, 2014, District filed a Request for Due Process Hearing in OAH case number 2014040984 (Second Case), naming Student. The hearing in the Second Case is scheduled for May 13, 2014 and mediation is scheduled for May 1, 2014.

On April 18, 2014, District filed a Motion to Consolidate the First Case with the Second Case and to continue the due process hearing so the parties can participate in mediation. Student filed no response to the motion.

*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 denied Student a free appropriate public education (FAPE) in offering school-to-school transportation instead of home-to-school transportation. Student did not oppose the Motion. In addition, consolidation furthers the interests of judicial economy because the cases involve common, if not identical, witnesses and will prevent inconsistent rulings. 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).) District's unopposed motion to continue the hearing following consolidation to permit mediation demonstrates good cause for a continuance.

ORDER

1. District's Motion to Consolidate is granted. Student's case, OAH Case Number 2014030919 (First Case) is designated as the primary case.
2. All dates previously set in District's case, OAH Case Number 2014040984 (Second Case) are vacated with the exception of the May 1, 2014 mediation date.
3. District's Motion to continue is granted. The Prehearing Conference in the consolidated cases shall be held on July 21, 2014 at 3:00 p.m. and the Due Process Hearing in the consolidated cases shall be held on July 28, 2014 at 1:30 p.m. and on July 29-31, 2014 at 9:00 a.m.
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 Student's case, OAH Case Number 2014030919 (First Case).

DATE: April 24, 2014

/s/  
\_\_\_\_\_  
LAURIE GORSLINE  
Administrative Law Judge  
Office of Administrative Hearings