

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2014070576

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2014030962

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING JOINT MOTION
TO CONSOLIDATE

On March 26, 2014, Los Angeles Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2014030962 (First Case), naming Parents on Student's behalf (Parents). On July 10, 2014, Parents filed a Request for Due Process Hearing in OAH case number 2014070576 (Second Case), naming District.

On July 11, 2014, the parties jointly filed a stipulation to consolidate the two cases, and requested that the dates in First Case be vacated. The parties requested that OAH set dates in the consolidated matter, but did not offer proposed dates.

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, the single issue in District's case and Issue 5 in Student's case both seek findings on whether District appropriately conducted an occupational therapy assessment of

Student and whether Student was entitled to an independent educational evaluation in occupational therapy at public expense. Consolidation furthers the interests of judicial economy because these issues will involve the same witnesses and evidence. Accordingly, consolidation is granted.

Hearing Dates

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).)

The parties did not specify new dates for the consolidated cases although they requested that OAH set new dates. Accordingly, the consolidated cases shall be set for mediation, prehearing conference, and hearing in accordance with the Scheduling Order dated July 15, 2014, issued in Second Case.

ORDER

1. The parties' joint stipulation to consolidate is granted.
2. All dates previously set in OAH Case Number 2014030962 (First Case) are vacated.
3. The mediation, prehearing conference and due process hearing shall take place in the consolidated matters in accordance with the Scheduling Order dated July 15, 2014, issued in OAH Case Number 2014070576 (Second Case).
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 2014070576 (Second Case).

DATE: July 16, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings