

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 Number 2014080109
LONG BEACH UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case Number 2014080327 ORDER GRANTING MOTION TO CONSOLIDATE

On July 28, 2014, Parent, on behalf of Student, filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case Number 2014080109 (First Case), naming the Long Beach Unified School District as respondent.

On August 7, 2014, Long Beach filed a Request for Due Process Hearing in OAH Case Number 2014080327 (Second Case), naming Student as respondent.

On August 7, 2014, Long Beach filed a Motion to Consolidate the First Case with the Second Case.

On August 8, 2014, Student filed a Statement of No Opposition to consolidation.

Consolidation and Discussion

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 contains two issues which are identical to all issues contained in the Second Case. Thus, both complaints involve common questions of law or fact, specifically, the appropriateness of the Long Beach conducted assessments in the areas of psycho-education and speech and language in 2012. Student does not oppose the motion. Consolidation furthers the interests of judicial economy. Accordingly, consolidation is granted.

ORDER

1. Long Beach's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014080109 [First Case] will apply to the consolidated case. 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 2014080109 [First Case].

DATE: August 11, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings