

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2014120092
PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015010556 ORDER GRANTING MOTION TO CONSOLIDATE

On December 1, 2014, Los Angeles Unified School District filed a Request for Due Process Hearing in OAH case number 2014120092 (First Case), naming Student.

On January 13, 2015, Parent on behalf of Student filed a Request for Due Process Hearing in OAH case number 2015010556 (Second Case), naming District.

On January 26, 2015, District filed a Motion to Consolidate the First Case with the Second Case. Student did not file an opposition to the request to consolidate.

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. In the First Case, District seeks a determination that its psycho-educational assessment of Student is legally appropriate and, thus, it is not obligated to fund Student's request for an

independent educational evaluation. In the Second Case, Student asserts District denied him a free appropriate public education by failing to assess in all areas related to his suspected disability, which includes the appropriateness of the psycho-educational assessment that is at issue in the First Case. Both cases involve putting on evidence regarding District's assessment, calling the same witnesses and documentary evidence. Student does not oppose the consolidation.

Since the two cases involve common questions of fact and law, and consolidation furthers the interests of judicial economy, the motion is granted.

Assigned Dates in Consolidated Matters

The First Case (2014120092) has a mediation scheduled for February 10, 2015, a prehearing conference set for February 27, 2015, and hearing scheduled for March 9 through 11, 2015. The Second Case (2015010556) has a mediation set for February 18, 2015, with a prehearing conference of March 2, 2015 and hearing for March 10, 2015.

The parties have already confirmed the February 10, 2015 mediation. Therefore, this mediation date will be maintained for these consolidated cases. The prehearing conference and hearing dates for these consolidated matters are those set in the Second Case.

ORDER

1. District's Motion to Consolidate is granted.
2. The prehearing conference and hearing dates set in OAH Case Number 2014120092 [First Case] are vacated.
3. The presently scheduled mediation date of February 10, 2015, will apply to these consolidated cases.
4. The Second Case's presently scheduled prehearing conference of March 2, 2015, and hearing date of March 10, 2015, shall apply to these consolidated cases.
5. 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 2015010556 [Second Case].
6. All further pleadings in these consolidated cases shall be filed in the Second Case.

DATE: February 4, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings