

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015041045
LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2015040218 ORDER GRANTING MOTION TO CONSOLIDATE

On April 6, 2015, the Los Angeles Unified School District filed a request for a due process hearing in Office of Administrative Hearings case number 2015040218 (District's Case), naming Student's parents on behalf of Student.

On April 17, 2015, Student's parents on behalf of Student filed a request for a due process hearing in OAH case number 2015041045 (Student's Case), naming the Los Angeles Unified School District.

On April 21, 2015, Student filed a Motion to Consolidate the District's Case with the Student's Case and to continue the due process hearing set in the District's case.

No response has been filed to the motion. However, in a stipulation by the parties in the District's Case regarding the filing of prehearing conference statements, the parties indicated that they agreed to the request for consolidation and continuance.

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 District's Case and Student's Case involve a common question of law or fact, specifically, the appropriateness of the assessments. The Los Angeles Unified School District does not oppose the motion. Consolidation furthers the interests of judicial economy. Accordingly, consolidation is granted. As to Student's request for a continuance of District's case, that request is moot because consolidation is granted and Student's case designated the primary case.

ORDER

1. Student's motion to consolidate is granted.
2. All dates previously set in OAH Case Number 2015040218 (District's Case) are vacated.
3. 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 2015041045 (Student's Case). The consolidated matter shall proceed on the dates currently set in OAH Case Number 2015041045 (Student's Case).

DATE: April 30, 2015

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings