

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2015080777
(Primary Case)

TORRANCE UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015020519

ORDER GRANTING MOTION TO
CONSOLIDATE AND GRANTING
MOTION TO CONTINUE

On February 11, 2015, Torrance Unified School District filed a Request for Due Process Hearing in OAH Case No. 2015020519 (District's Case), naming Student.

On August 20, 2015, Student filed a Request for Due Process Hearing in OAH Case No. 20150080777 (Student's Case), naming Torrance Unified School District.

On August 20, 2015, Student filed a Motion to Consolidate District's Case with Student's Case and to continue the due process hearing date set in OAH Case No. 2015020777 first case).¹ On August 20, 2015, District filed a Notice on Non-Opposition to Student's Motion to Consolidate and Request for Continuance.

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

¹ Student's request for a continuance is moot with the granting of the consolidation request and designation of Student's case as primary, which vacates all dates in District's case.

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, District's Case and Student's Case involve a common question of law or fact, specifically, whether District's most recent assessments of Student are appropriate. District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both complaints involve common factual determinations and witnesses. Further, consolidation will allow the parties to meaningfully participate in a mediation session to discuss resolution of both matters. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case No. 2015020519 (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 No. 2015070777 (Student's Case).
4. Consolidated matter shall proceed pursuant to dates in the Scheduling Order and Notice of Due Process Hearing issued on OAH Case No. 2015080777, issued on August 20, 2015.

DATE: August 21, 2015

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings