

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2011031021
PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2011040024 ORDER GRANTING MOTION TO CONSOLIDATE

On March 21, 2011, Parent on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2011031021 (First Case), naming the Los Angeles Unified School District (District) as respondent.

On March 30, 2011, Student filed a second Request for Due Process Hearing in OAH case number 2011040024 (Second Case), also naming the District as respondent.

Both complaints concern the proposed Individualized Education Program (IEP) of March 21, 2011. The First Case deals with the IEP team's decision to switch the provider of speech and language services. The Second Case deals with Student's disagreement as to the District's speech assessment and the speech services proposed by the District.

On April 19, 2011, the District filed a Motion to Consolidate the First Case with the Second Case.

Student did not file an opposition to the motion.

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 and Second Case involve a common question of law or fact, specifically, the appropriateness of the IEP dated March 21, 2011 and the provision of that IEP which replaced Student's private speech therapist with a District employed speech therapist. In addition, consolidation furthers the interests of judicial economy because the two issues are directly related. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011031021 (First 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 2011040024 (Second Case).

Dated: April 21, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings