

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2014060325

v.

LOS ANGELES COUNTY OFFICE OF
EDUCATION.

In the Matter of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2014060899

[Primary Case]

v.

SOLEDAD ENRICHMENT ACTION
CHARTER SCHOOL.

ORDER GRANTING MOTION TO
CONSOLIDATE

On June 3, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014060325 (First Case), naming Los Angeles County Office of Education.

On June 16, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014060899 (Second Case), naming Soledad Enrichment Charter School (Charter School).

On July 8, 2014, Student filed a Motion to Consolidate the First Case with the Second Case. Los Angeles County Office of Education did not file a response to the motion.

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 common questions of law and fact. The First Case, naming only LACOE, alleged both LACOE and Charter School failed to provide Student an appropriate educational program, violated procedural and substantive

requirements of the IDEA, and Student requested relief in the form of placement in an appropriate school, compensatory education, and transportation expenses. The Second Case, naming only Charter School, is a mirror image of the complaint filed in the First Case, but for the named respondent. Student alleges LACOE is the local educational agency responsible for providing Student a free appropriate public education and Charter School is an independent charter school operating under a mutuality of understanding with LACOE. Consolidation furthers the interests of judicial economy because both cases involve the same witnesses and other evidence and could properly and efficiently have been brought as a single case naming both respondents. Accordingly, consolidation is granted. The Second Case is designated the primary case and the consolidated matter will proceed on the dates currently set in that case.

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).) If the parties do not want to proceed on the dates currently set, the parties may submit a joint request for a continuance to agreed upon dates less than 90 days from the initial hearing date, or any party may request a continuance for good cause. The parties are referred to the procedures set out in the Scheduling Orders issued in each case, the Order issued in this case on July 8, 2014, and the forms available on the OAH website that explain the procedure.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in the First Case, OAH Case Number 2014060325, are vacated.
3. The Mediation in the consolidated cases shall be held on July 22, 2014, at 9:30 a.m., the Prehearing Conference in the consolidated cases shall be held on August 4, 2014, at 1:00 p.m., and the Due Process Hearing in the consolidated cases shall be held on August 12, 2014, beginning at 9:30 a.m., and continuing day to day Monday through Thursday as needed at the discretion of the Administrative Law Judge.
4. 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 the Second Case, OAH Case Number 2014060899.

DATE: July 15, 2014

/s/
MARIAN H. TULLY

Administrative Law Judge
Office of Administrative Hearings