

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. 2015110753

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015100253

ORDER GRANTING MOTION TO
CONSOLIDATE

On October 7, 2015, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH Case Number 2015100253 (Student's case), naming Los Angeles Unified School District.

On November 17, 2015, District filed a Request for Due Process Hearing in OAH Case Number 2015110753 (District's Case), naming Student.

On November 20, 2015, District filed a Motion to Consolidate District's Case with Student's case. Student did not file a response to the motion.

APPLICABLE LAW AND 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, Student's case and District's case involve common questions of law and facts, specifically relating to the issue of independent educational evaluations. Student has not opposed the motion. In addition, consolidation furthers the interests of judicial economy because both cases involve the same witnesses and documentary evidence. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015110753 (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 2015100253 (Student's case).
4. The matter remains as scheduled under Student's case with Prehearing Conference on January 29, 2016 , at 1:00 p.m. and Due Process Hearing on February 8 - 11, 2016.

IT IS SO ORDERED.

DATE: December 2, 2015

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings