

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. 2016010703
(PRIMARY)

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2016020703

ORDER GRANTING MOTION TO
CONSOLIDATE

On January 19, 2016, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016010703 (Student's case), naming Los Angeles Unified School District.

On February 17, 2016, District filed a Request for Due Process Hearing in OAH case number 2016020703 (District's case), naming Student.

On February 17, 2016, 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 a common question of law and fact, specifically, regarding the appropriateness of District's psychoeducational assessment. District has asked for a determination of its appropriateness, while Student has requested a determination the assessment is inappropriate, and the assessment contributed to faulty individualized educational programs which resulted in a denial of a free appropriate public education. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases involve the same issues, same witnesses and same documentary evidence. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2016020703, District's case are vacated. The matter shall proceed pursuant to the timeline set in Student's case OAH Case Number 2016010703.
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 2016010703 Student's case. This order shall act as the first continuance of the consolidated matters.

IT IS SO ORDERED.

DATE: February 25, 2016

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Peter Paul Castillo

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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings