

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2016010859

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2016020540

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE

On January 25, 2016, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016010859 (Student's Case), naming Los Angeles Unified School District.

On February 11, 2016, District filed a Request for Due Process Hearing in OAH case number 2016020540 (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 District's motion.

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 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 assessments in the areas of psycho-education, Language and Speech, and Occupational Therapy, which were reviewed at the Individualized Education Program team meeting on October 1, 2014, and District's Functional Behavior Analysis, reviewed at the IEP team meeting on December 2, 2014, were appropriate. In addition, consolidation furthers the interests of judicial economy because the witnesses who would testify regarding the appropriateness of District's assessments would likely be the same for each case and their testimony would likely be the same in each case; hearing these witnesses' testimony only once would save time and prevent inconsistent rulings. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2016020540 [District's Case] are vacated, except for mediation that is scheduled for today.
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 2016010859 [Student's Case].

IT IS SO ORDERED.

DATE: February 25, 2016

DocuSigned by:
Kara Hatfield
8085C9417D1C4CF...

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings