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. 2015120471 (Primary)
PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015100365 ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On October 8, 2015, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015100365 (Student's Case), naming Los Angeles Unified School District.

On December 11, 2015, District filed a Request for Due Process Hearing in OAH case number 2015120471 (District's Case), naming Student.

On December 16, 2015, District filed a Motion to Consolidate District's Case with Student's Case, and to continue the due process hearing date set in Case Number 2015120471 (District's Case) to the dates currently set for Student's case.[1]

[1] Student's Case is set for hearing on January 19, 20, 21, 25 and 26, 2016. OAH's initial Scheduling Order, dated December 14, 2015, erroneously set District's case for hearing on February 4, 2016 instead of January 5, 2016. This Order corrects this scheduling error in lieu of issuing a revised Scheduling Order in District's case. This Order also interprets District's request to commence the hearing on January 19, 2016, as a request for a continuance of its case.

Student does not object to the 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, District's obligation to implement Student's last agreed upon and implemented IEP's, dated February 26, April 10, and May 27, 2015, during the 2015-2016 regular school year when Student transferred from an independent charter school to District's Sunny Brae Elementary School in or around June 2015. Student does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because there will be common documents and witnesses related to Student's transfer from the charter school to Sunny Brae, and District's FAPE obligations, considering Parent's decision to not provide written consent to District's September 30, 2015 Assessment Plan. Accordingly, consolidation is granted.

Continuance

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).)

District's motion to continue the hearing demonstrates good cause for a continuance, based on the interests of judicial economy, and lack of prejudice to Student.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015120471 (District's Case) are vacated.
3. District's Motion to Continue is granted. The Prehearing Conference in the consolidated cases shall be held on January 8, 2016, at 1:00 p.m. and the Due Process Hearing in the consolidated cases shall be held on January 19, 20, 21, 25 and 26, 2016, being at 1:30 p.m. on the first day and January 25, 2016, and 9:00 a.m. on January 20, 21, and 26, 2016, 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 OAH Case Number 2015120471 (District's Case).

IT IS SO ORDERED.

DATE: December 22, 2015

/s/

CAROLINE A. ZUK
Administrative Law Judge
Office of Administrative Hearings