BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. WATTS LEARNING CENTER CHARTER MIDDLE SCHOOL AND LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH Case No. 2017020263 (PRIMARY)
PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017010949 ORDER GRANTING MOTION TO CONSOLIDATE

On January 21, 2017, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings in case number 2017010949, naming Los Angeles Unified School District (LAUSD). On February 6, 2071, Student filed a Request for Due Process Hearing with OAH in case number 2017020263, naming Watts Learning Center Charter Middle School (Watts). On March 8, 2017, OAH granted Student's Motion to Amend the Watts complaint to add LAUSD as a new party. On March 28, 2017, LAUSD filed a Motion to Consolidate the LAUSD-only and the Watts-and-LAUSD cases. Student filed her opposition to the Motion on April 4, 2017. LAUSD filed a response on April 6, 2017. On April 10, 2017, OAH granted the parties' Joint Request for a First Continuance in the Watts-and-LAUSD case.

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].)

Both the LAUSD-only and the Watts-and-LAUSD cases involve an overlapping period during the 2016-2017 school year. Further, Student amended the Watts-and-LAUSD complaint to add LAUSD as a party. Therefore, both complaints alleged that LAUSD failed

in handling its child find obligations and bullying prevention policies, and requested compensatory services, counseling and a behavior assessment from LAUSD. Both cases involve a common question of law or fact as to LAUSD and Watts regarding Student. Additionally, consolidation furthers judicial economy because the same witnesses will need to testify in both cases and the same documentary evidence, including the appropriateness LAUSD's handling of its child find and bullying obligations. Accordingly, consolidation is granted.

ORDER

1. LAUSD's Motion to Consolidate is granted.

2. All dates previously set in OAH Case Number 2017010949 are vacated, and continued, as set forth below.

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 2017020263.

4. The mediation, prehearing conference, and due process hearing dates in the consolidated case will be according the April 10, 2017 Order Granting Request for Continuance and setting Mediation, Prehearing Conference and Hearing in OAH Case Number 2017020263, which are as follows:

Mediation: April 25, 2017 at 9:00 a.m.

Prehearing conference: May 26, 2017 at 3:00 p.m.

Due process hearing: June 7, 2017, starting at 9:30 a.m., and June 8, 2017 starting at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

The mediation will be held at LAUSD's office located at 333 South Beaudry, 17th Floor, Los Angeles, CA 90017. The due process hearing will be held at OAH's office located at 15350 Sherman Way, Suite 300, Van Nuys, CA 91406.

5. The primary case shall be OAH Case Number 2017020263, and the parties shall use the consolidated caption for all filings after this date.

IT IS SO ORDERED.

DATE: April 10, 2017

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Sabrina Kong
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SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings