

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2013110441
v.	
LA CANADA UNIFIED SCHOOL DISTRICT,	
LA CANADA UNIFIED SCHOOL DISTRICT	OAH CASE NO. 2014010364
v.	
PARENTS ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On November 13, 2013, parents on behalf of Student filed a Request for Due Process Hearing with the Office of Administrative Hearings (OAH) in case number 2013110441 (First Case), naming La Canada Unified School District (District). On November 15, 2013 OAH issued a scheduling order in the First Case. On December 27, 2013, the parties filed a joint request for a continuance of the hearing dates. On December 30, 2013, OAH granted the continuance and issued an amended scheduling order with the pre-hearing conference (PHC) set for March 17, 2014 at 10:00 a.m., and the due process hearing (DPH) set for March 24 through 27, 2014, starting at 1:30 p.m. the first day, and 9:00 a.m. thereafter.

On January 10, 2014, District filed a Request for Due Process Hearing with OAH in case number 2014010364 (Second Case). Concurrently with the filing of the Second Case, District filed its Motion to Consolidate the First Case with the Second Case (Motion). No opposition to the Motion was filed by Student. On January 14, 2014, OAH issued a scheduling order in the Second Case with a mediation set for January 29, 2014 at 9:30 a.m., the PHC set for February 7, 2014 at 10:00 a.m. and the DPH set for February 12, 2014 at 9:30 a.m.

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, the First Case and Second Case involve a common question of law or fact, specifically, the appropriateness of Student's special education assessments and the discussions of such assessments at the September 19, 2013 individualized education program (IEP) team meeting. In addition, consolidation furthers the interests of judicial economy because the same witnesses will need to testify in both cases and the same documentary evidence, including the September 19, 2013 IEP offer, the appropriateness of the special education assessments, and discussions of same at the IEP team meeting, will need to be considered. District's request for consolidation, by its nature, is a request for a continuance of the dates set in the Second Case. Accordingly, consolidation is granted, and all dates in the Second Case will be continued to the dates in the First Case.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014010364, the Second Case are vacated, and continued, with the exception of the mediation date which will remain on January 29, 2014 from 9:30 a.m. to 4:30 p.m. at La Canada Unified School District located at 4490 Cornishon Ave., La Canada, CA 91011.
3. The PHC and DPH dates will remain the same as set forth in OAH's December 30, 2013 amended scheduling order in the First Case:

Prehearing conference: March 17, 2014 at 10:00 a.m.

Due process hearing: March 24 through 27, 2014, starting at 1:30 p.m. the first day, and 9:00 a.m. thereafter 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 2014010364, the Second Case.
5. The primary case shall be the First Case, and the parties shall use the consolidated caption for all filings after this date.

Dated: January 22, 2014

/s/

SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings