

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2014041152
v.	
LOS ANGELES UNIFIED SCHOOL DISTRICT,	
LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014070148
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On April 28, 2014, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2014041152 (First Case), naming Los Angeles Unified School District (Los Angeles). This matter is set for hearing beginning July 28, 2014, with a prehearing conference (PHC) on July 18, 2014.

On June 27, 2014, Los Angeles filed a Request for Due Process Hearing in OAH case number 2014070148 (Second Case), naming Student. This matter is currently set for hearing beginning July 22 2014, with a mediation scheduled for July 15, 2014, and a PHC on July 18, 2014.

On July 8, 2014, the parties filed a joint request to consolidate the First Case with the Second Case and to have the consolidated matter proceed on the dates currently set for the First Case.

APPLICABLE LAW

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].)

DISCUSSION

Here, the First Case and the Second Case involve common questions of law and fact in regards to the assessments completed by Los Angeles. Specifically, one of Student's claims is that Los Angeles' psycho-educational assessment, mental health assessment, and functional behavior assessments did not meet all legal requirements such that she is entitled to independent educational assessments in these areas. Los Angeles filed its complaint to defend the appropriateness of these same assessments and establish that Student is not entitled to independent assessments at public expense. Consolidation is warranted and will prevent the risk of inconsistent rulings.

In addition, consolidation furthers the interests of judicial economy because both cases involve the same parties, many of the same witnesses would be required to testify in each proceeding, and each matter will also involve the introduction of the same documents including relevant assessment reports. Accordingly, consolidation is granted.

When consolidating cases, OAH designates the statutory timelines applicable to the consolidated matters to be controlled by one of the cases. Here, the statutory timelines shall be controlled by the First Case.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014070148, the Second Case are vacated.
3. The consolidated cases shall proceed on the dates currently set for the First Case, OAH Case No. 2014041152. Namely, the PHC for the consolidated cases shall be heard on July 18, 2014, at 1:00 p.m., and the due process hearing shall proceed on July 28, 2014, at 1:30 p.m., and July 29-30, 2014, at 9:00 a.m., continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

4. The 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 2014041152, the First Case.

DATE: July 11, 2014

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings