

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2014080268

v.

TORRANCE UNIFIED SCHOOL DISTRICT,

TORRANCE UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2014090408 [PRIMARY]

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING MOTION TO
CONSOLIDATE AND RESETTING
HEARING DATES

On August 4, 2014, Parent on Student's behalf filed a Request for Due Process Hearing in OAH case number 2014080268 (Student's Case) naming Torrance Unified School District (District). On September 8, 2014, District filed a Motion to Consolidate Student's Case attaching a complaint by District that had not been yet been filed with the Office of Administrative Hearings. District filed the complaint referenced in its September 8, 2014 Motion to Consolidate on September 11, 2014, identified as OAH case number 2014090408 (District's Case), naming Parents on Student's behalf. OAH received no 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, the Student's Case and District's Case involve a common question of law or fact. Both complaints raise the issue of whether District is the local educational agency responsible for providing a free appropriate public education to Student. The issues in both cases will likely involve the same witnesses and evidence, and consolidation will avoid

inconsistent results in the two matters, and furthers the interests of judicial economy. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014080268 [Student's Case] are vacated.
3. The consolidated matters shall proceed to hearing based on the dates in the September 11, 2014 Scheduling Order in District's Case, OAH Case Number 2014090408.
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 2014090408 [District's Case].

DATE: September 12, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings