

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2015010656
v.	
LONG BEACH UNIFIED SCHOOL DISTRICT,	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2015020736 (Primary)
v.	ORDER GRANTING MOTION TO CONSOLIDATE; GRANTING JOINT REQUEST TO CONTINUE AND SETTING MEDIATION, PREHEARING CONFERENCE AND DUE PROCESS HEARING
LONG BEACH UNIFIED SCHOOL DISTRICT.	

On January 16, 2015, Student filed a Request for Due Process Hearing in OAH case number 2015010656 (First Case), naming Long Beach Unified School District (District). On February 17, 2015 Student filed a second Request for Due Process Hearing in OAH case number 2015020736 (Second Case), also naming District.

On February 23, 2015, Student filed a Motion to Consolidate First Case with Second Case and to continue the due process hearing date set in Case Number 2015010656 (First Case)]. District filed a Notice of Non-opposition to Student's Motion to Consolidate on February 25, 2015.

On February 25, 2015, the parties filed a joint request to continue all dates in both matters.

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, First Case and Second Case, both filed by Student, involve the same parties and were filed within thirty days of each other. Student's two cases involve common time frames and common issues, including whether District appropriately assessed Student and appropriately and timely responded to Student's request for independent educational evaluations. The common claims would likely involve the same witnesses and exhibits. District does not oppose consolidation. Accordingly, because consolidation furthers the interests of judicial economy by avoiding duplicative testimony and exhibits, 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).)

The parties jointly filed a request to continue the consolidated matters. The original hearing date in the First Case is March 12. The initial hearing date in Second Case is April 14, 2015. The parties have requested that the matter be continued to the end of May 2015, which is less than 90 days from the initial hearing date in the first case and is therefore reasonable. Accordingly, the request for continuance is granted and the consolidated matters will be set as stated below.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015010656 [First Case] and OAH Case Number 2015020736 [Second Case] are vacated.
3. The parties' joint request for continuance of the consolidated cases is granted. The Mediation in the consolidated cases shall be held on May 5, 2015 at 9:30 a.m. The Prehearing Conference in the consolidated cases shall be held on May 18, 2015, at 10:00 a.m. The Due Process Hearing in the consolidated cases shall be held on May 26, 2015 at 1:30 p.m., May 27 and May 28, 2015 at 9:00 a.m., and continuing day to day Monday through Thursday as determined by the hearing ALJ.

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 2015020736 [Second Case].

DATE: February 25, 2015

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings