

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LONG BEACH UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015020736 (Primary)
PARENT ON BEHALF OF STUDENT, v. LONG BEACH UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015010656
LONG BEACH UNIFIED SCHOOL DISTRICT v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015030395 ORDER GRANTING SECOND MOTION TO CONSOLIDATE

On January 16, 2015, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings in OAH case number 2015010656 (First Case), naming Long Beach Unified School District. On February 17, 2015 Student filed a second Request for Due Process Hearing in OAH case number 2015020736 (Second Case), also naming Long Beach. On February 25, 2015, OAH consolidated Student's two cases. OAH designated Second Case as the primary case for the purpose of establishing the timeline for the issuance of a decision in the consolidated matters.

On March 6, 2015, Long Beach filed a third Request for Due Process Hearing in OAH case number 2015030395 (Third Case), naming Student. On March 11, 2015, Long Beach filed a Motion to Consolidate the Third Case with Student's two consolidated matters. On March 12, 2015, Student filed his notice of non-opposition to Long Beach's Motion to Consolidate the three cases.

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].)

Regarding the instant motion, the sole issue raised in the Third Case relates to the question of whether Long Beach appropriately responded to a November 4, 2014 request by Student's Parent for music therapy assessment of Student. The issue is similar to those raised in Student's two consolidated cases regarding whether Long Beach timely, adequately or appropriately assessed Student during the relevant period.

Certainly, all three cases involve common issues, common time frames, the same parties, and common witnesses and exhibits. Resolving the issues would involve the analysis of same or similar facts and evidence. Accordingly, consolidating all three cases would further the interests of judicial economy and avoid duplicative hearings. Also, Student does not oppose consolidation. Accordingly, consolidation is granted.

ORDER

1. Long Beach's Motion to Consolidate is granted.
2. All dates previously set in First Case and Third Case are vacated. The consolidated matters shall proceed based on the timeline established in Second Case.
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 Second Case.

DATE: March 13, 2015

/s/

ADENIYI AYOADE

Administrative Law Judge

Office of Administrative Hearings