

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015060834
v.	
LOS ANGELES UNIFIED SCHOOL DISTRICT,	
LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015060993
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On May 27, 2015, Parent on behalf of Student filed a Request for Due Process Hearing in OAH case number 2015060834 (First Case), naming Los Angeles Unified School District. This matter is currently set for hearing on July 20, 2015.

On June 24, 2015, Los Angeles filed a Request for Due Process Hearing in OAH case number 2015060993 (Second Case), naming Student. This matter is also calendared for hearing on July 20, 2015.

On June 24, 2015, Los Angeles filed a Motion to Consolidate the Second Case with the First Case. Student did not file an opposition.

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 Second Case involve common questions of law and fact. Student identifies as an issue for hearing whether he requires clinical occupational therapy services to address his eating issues and is requesting an independent educational evaluation in the area of occupational therapy. Los Angeles's issue for hearing is whether its April 2015 occupational therapy assessment of Student is appropriate such that it is not required to fund Parent's request for an independent evaluation.

These cases present common questions of law or fact regarding the appropriateness of Los Angeles' occupational therapy assessment and whether Student is entitled to an independent evaluation at public expense. Consolidation, therefore, 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, and many of the same witnesses would be required to testify in each proceeding. Each matter will also involve the introduction of the same or similar documents including the occupational therapy assessment. 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. Los Angeles' Motion to Consolidate is granted.
2. All dates previously set in the Second Case, OAH Case Number 2015060993, are vacated.
3. The consolidated cases shall now be heard on the dates set for the First Case, OAH Case Number 2015060834. Specifically, the prehearing conference will be on July 13, 2015, at 3:00 p.m., and the hearing will begin on July 20, 2015, at 9:30 a.m.

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 the First Case, OAH Case Number 2015060834.

DATE: July 7, 2015

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings