

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015101063
v.	
LOS ANGELES UNIFIED SCHOOL DISTRICT,	
LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015110075
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On October 27, 2015, Parent on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015101063 (Student's Case), naming Los Angeles Unified School District (District).

On October 30, 2015, District filed a Request for Due Process Hearing in OAH case number 2015110075 (District's Case), naming Parent on behalf of Student.

On November 13, 2015, District filed a Motion to Consolidate District's Case with Student's Case. Student did not file a 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, Student's Case and District's Case both include the issue of whether District's occupational assessment of Student was appropriate such that he would not be entitled to an

independent evaluation. Student's Case also includes the issue of whether District's failure to offer speech and language services by a non-public agency was a denial of a free appropriate public education. Both of Student's issues are within the 2013-2015 period.

Consolidation furthers the interests of judicial economy because both Student's Case and District's Case involve a common question of law and fact, and likely require similar documentary evidence and testimony from the same witnesses regarding the offer of FAPE during the same period. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015110075 of District's Case are vacated.
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 OAH Case Number 2015101063 Student's Case.
4. The dates presently scheduled in Student's Case shall apply to these consolidated matters. The mediation shall be at 9:00 a.m., December 1, 2015, at District's offices, located at 333 South Beaudry Ave., Los Angeles, CA 90017. The parties will participate in a prehearing conference at 10:00 a.m., December 14, 2015. Hearing is scheduled for December 23, 2015, at 9:30 a.m., and December 24, 2015 at 9:00 a.m., and hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. Hearing will be at OAH's office located at 15350 Sherman Way, Suite 300, Van Nuys, CA 91406.

IT IS SO ORDERED.

DATE: November 20, 2015

/s/

SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings