

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:
PARENT ON BEHALF OF STUDENT,

AND

TORRANCE UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2021090745
OAH CASE NUMBER 2021070509

ORDER GRANTING MOTION TO CONSOLIDATE

SEPTEMBER 28, 2021

On July 15, 2021, Torrance Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021070509, District's Case, naming Student.

On September 21, 2021, Student filed a Request for Due Process Hearing in OAH case number 2021070509, Student's Case, naming Torrance Unified School District.

On September 21, 2021, Student filed a Motion to Consolidate District's Case with Student's Case.

On September 24, 2021, Torrance Unified filed a notice of non-opposition to the motion to consolidate. Torrance Unified requests that the hearing dates in the consolidated matter be set on the dates in Student's Case.

CONSOLIDATION

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, 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 involve common questions of law or fact, specifically, both seek a determination regarding the appropriateness of the January 2020 speech and language evaluation conducted by Torrance Unified. Torrance Unified does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases will require testimony from some of the same witnesses and involve some of the same documentary evidence. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in District's Case, OAH case number 2021070509, are vacated.
3. The consolidated matter shall proceed on the dates set in Student's Case, OAH case number 2021090745. The prehearing conference shall proceed

on November 8, 2021 at 10:00 AM, and the due process hearing shall proceed on November 16 through 18, 2021, unless otherwise ordered.

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 Student's Case, OAH case number 2021090745.

IT IS SO ORDERED.

Laurie Gorsline

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Administrative Law Judge

Office of Administrative Hearings