

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:
LOS ANGELES UNIFIED SCHOOL DISTRICT,

and

PARENTS ON BEHALF OF STUDENT,
OAH CASE NUMBER 2021110203
OAH CASE NUMBER 2021100044

ORDER GRANTING MOTION TO CONSOLIDATE

NOVEMBER 9, 2021

On September 30, 2021, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Los Angeles Unified School District. OAH assigned case number 2021100044. On November 5, 2021, Los Angeles filed a complaint with OAH, naming Student. OAH assigned case number 2021110203. Los Angeles also filed a Motion to Consolidate its case with Student's case. On November 8, 2021, Student filed an opposition to the Motion to Consolidate on the grounds that the issue in Los Angeles's complaint was moot.

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 cases that involve the same parties, a common question of law and/or fact, and when consolidation 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].)

Student's case alleges several issues, including whether Los Angeles failed to honor Student's request for an independent educational evaluation in September 2021. The sole issue in Los Angeles's complaint is whether its September 2021 psychoeducational assessment was appropriate, such that Student is not entitled to a publicly funded independent educational evaluation. Both cases involve common questions of law and fact, and the parties are likely to rely on the same witnesses and documentary evidence at a due process hearing. Therefore, holding one hearing to resolve the parties' issues furthers the interests of judicial economy and efficiency. Accordingly, consolidation is granted.

OAH will not rule on Student's argument that Los Angeles's complaint is moot within this Order.

ORDER

1. Los Angeles's Motion to Consolidate is granted.
2. Los Angeles's case, OAH case number 2021110203 is designated as the primary case. All dates previously set in Student's case, OAH case number 2021100044, are vacated. The case will proceed on the dates set in scheduling order OAH issued in Los Angeles's case on November 8, 2021.

3. The 45-day timeline for issuing the decision in the consolidated cases will be based on the filing date of Los Angeles's complaint in OAH case number 2021110203.

IT IS SO ORDERED.

Tara Doss

Tara Doss

Administrative Law Judge

Office of Administrative Hearings