

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

and

LOS ANGELES UNIFIED SCHOOL DISTRICT AND
PALISADES CHARTER HIGH SCHOOL,
OAH CASE NUMBER 2021110204
OAH CASE NUMBER 2021100285

ORDER GRANTING MOTION TO CONSOLIDATE

NOVEMBER 15, 2021

On October 11, 2021, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021100285, First Case, naming Los Angeles Unified School District.

On November 8, 2021, Student filed a Request for Due Process Hearing in OAH case number 2021110204, Second Case, naming Los Angeles Unified School District and Palisades Charter High School.

On November 12, 2021, Student filed a Motion to Consolidate the First Case with the Second Case and to set the hearing date for the consolidated matter on the hearing dates set in the Second Case, OAH case number 2021110204.

On October 15, 2021, Los Angeles Unified School District filed a non-opposition to the motion to consolidate. Respondent Palisades Charter High School did not file a response to the motion.

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, First Case and Second Case involve a common question of law or fact, specifically, both cases involve Student. The First Case challenges the appropriateness of Los Angeles Unified School District's October 15, 2019 triennial assessment of Student. The Second Case alleges respondents failed to offer Student a free appropriate public education in the individual educational program, called an IEP, dated November 5, 2020, and the IEP dated November 5, 2021. Los Angeles Unified School District does not oppose the motion. In addition, consolidation furthers the interests of judicial economy because many of the same witnesses would likely be called to testify in the hearings of both cases, and much of the same evidence would likely be introduced at the hearings of both cases. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. The Second Case is designated as the primary case. All dates previously set in the First Case, OAH case number 2021100285, 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 Primary Case, OAH case number 2021110204.

IT IS SO ORDERED.

Christine Arden

Christine Arden

Administrative Law Judge

Office of Administrative Hearings