

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
LOS ANGELES UNIFIED SCHOOL DISTRICT

AND

PARENT ON BEHALF OF STUDENT,
OAH CASE NUMBER 2021120350
OAH CASE NUMBER 2021120532

ORDER GRANTING MOTION TO CONSOLIDATE

DECEMBER 23, 2021

On December 10, 2021, Los Angeles Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021120350, LAUSD's Case, naming Parents on behalf of Student. On December 16, 2021, Student filed a Request for Due Process Hearing in OAH case number 2021120532, Student's Case, naming LAUSD.

On December 20, 2021, OAH granted the parties' joint request, filed in LAUSD's Case, and set mediation for February 16, 2022, and continued the due process hearing to April 12 through 14, 2021.

On December 17, 2021, LAUSD filed a Motion to Consolidate LAUSD's Case and Student's Case. Student 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, the matters involve the appropriateness of the same assessments and common questions of fact related to Student's need for assessment, in the areas of psychoeducation, academic, and language and speech. Both cases seek remedies related to these areas of assessment and involve similar law and facts. Accordingly, consolidation is granted.

ORDER

1. Los Angeles Unified School District's Motion to Consolidate is granted.
2. LAUSD's Case, OAH case number 2021120350, is designated as the primary case. All dates previously set in Student's Case, OAH case number 2021120532, are vacated.
3. The mediation of February 16, 2022, remains as calendared, for these consolidated cases.

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 Primary Case, OAH case number 2021120350.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley". The signature is stylized with a large initial "C" and a long, sweeping underline.

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings