BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018060459
LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018100624 ORDER GRANTING MOTION TO CONSOLIDATE

On June 11, 2017, Student filed a due process hearing request in this matter with OAH in case number 2018060459 (Student's Case) naming the Los Angeles Unified School District. Upon finding good cause, OAH continued the hearing on July 23, 2018 and October 5, 2018. On October 15, 2018, Los Angeles filed a due process hearing request with OAH in case number 2018100624 (Los Angeles's Case), naming Student; and a motion to consolidate Student's and Los Angeles's cases. Los Angeles did not seek a hearing continuance with the consolidation and, if the cases were consolidated, Los Angeles agreed they would be heard on the hearing same dates as currently set in Student's Case. Student did not file an opposition to Los Angeles's consolidation motion.

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].)

Student's Case alleged that Los Angeles failed to appropriately conduct psycho-educational, assistive technology, and occupational therapy assessments; failed to offer extended school year services; and failed to timely hold an individualized education program team meeting. District's Case involved the appropriateness of those same assessments.

Because both cases involve the same three assessments in the fall of 2017, testimony would involve a common question of fact; common witnesses testifying such as Parents as well as Los Angeles's witnesses; and the same documentary evidence. Consolidation furthers the interests of judicial economy because one ALJ will hear both cases. Accordingly, consolidation is granted.

ORDER

1. District's motion to consolidate is granted.

2. All dates previously set in OAH Case Number 2018100624, 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 2018060459, Student's Case.

4. The prehearing conference, and due process hearing dates will be according to the Student's Case which are as follows:

> Prehearing conference: October 29, 2018, at 10:00 a.m.
> Due process hearing: November 6, 7, and 8, 2018 continuing day to day, Monday through Thursday, at the discretion of the ALJ. The hearing shall take place at OAH's office located at 15350 Sherman Way, Suite 300, Van Nuys, CA 91406. The hearing shall begin at 9:30 a.m. and end at 5:00 p.m. on the first day of the hearing and shall begin at 9:00 a.m. all other days, and end at 4:30 p.m., unless otherwise ordered. The hearing shall continue day to day thereafter, Monday through Thursday, at the discretion of the ALJ.

5. The primary case shall be Student's Case, and the parties shall use the consolidated caption for all filings after this date.

IT IS SO ORDERED.

DATE: October 22, 2018

DocuSigned by:
Sabrina Kong
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SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings