BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

LOS ANGELES UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022030687

OAH CASE NUMBER 2022040604

# ORDER GRANTING MOTION TO CONSOLIDATE AND DESIGNATING STUDENT CASE A PRIMARY CASE

APRIL 28, 2022

On March 18, 2022, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2022030687 naming Los Angeles Unified School District. On April 20, 2022, OAH granted Student's motion to amend the complaint. Student's Case is scheduled for hearing beginning June 7, 2022.

On April 19, 2022, Los Angeles filed a Request for Due Process Hearing in OAH case number 2022040604 naming Student. Los Angeles' Case is scheduled for hearing beginning May 17, 2022.

On April 19, 2022, Los Angeles filed a Motion to Consolidate its case with 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, both cases involve a common question of law or fact, specifically, the appropriateness of Los Angeles' offer of a free appropriate public education. Among other claims, Student challenges Los Angeles' individualized education programs or IEPs since March 2020. Los Angeles seeks to defend its March 2022 IEP. Given these common questions of law or fact, consolidation is warranted. In addition, consolidation furthers the interests of judicial economy because both cases involve the same parties, and many of the same witnesses will be required to testify in each proceeding. Each matter will also involve the introduction of many of the same documents. Accordingly, consolidation is granted.

When consolidating cases, OAH designates the statutory timelines applicable to the consolidated matters to be controlled by one of the cases. Here, the statutory timeline shall be controlled by Student's Case, OAH case number 2022030687.

## ORDER

1. Los Angeles' Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in Los Angeles' Case, OAH case number 2022040604 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 amended complaint in Primary Case, OAH case number 2022030687.

## IT IS SO ORDERED.

*Theresa Ravandi*

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings