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. 2016060696
LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016061298 ORDER GRANTING MOTION TO CONSOLIDATE

On June 10, 2016, Parents on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016060696 (Student's Case), naming Los Angeles Unified School District. On June 16, 2016, OAH issued a scheduling order, the prehearing conference for July 29, 2016 at 10:00 a.m., and the hearing for August 4, 2016.

On June 28, 2016, District filed a Request for Due Process Hearing in OAH case number 2016060614 (District's Case), naming Student. OAH scheduled District's Case for a mediation on July 13, 2016, prehearing conference of July 22, 2016 and a hearing for July 26, 2016.

With its complaint, District filed a Motion to Consolidate Student's Case with District's Case. Student did not file opposition to District's motion to consolidate.

Consolidation

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].)

Here, Student's Case and District's Case involve common questions of law and fact. District's Case seeks an order finding that District's speech and language assessment of February 1, 2016 is legally appropriate and, therefore, District is not required to fund an independent educational evaluation, as requested by Parent on behalf of Student. Student's Case contains many issues, including the appropriateness of District February 2016 speech and language assessment. Also, District and Student will rely upon many of the same witnesses and exhibits; thus, the interests of judicial economy would be served by consolidation.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in District's Case, OAH Case Number 2016061298, 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 in Student's Case, OAH Case Number 2016060696, which is deemed the lead case.
4. These consolidated actions shall proceed to prehearing conference and hearing on the dates presently scheduled in Student's Case.

DATE: July 07, 2016

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings